

# ROANOKE CITY COUNCIL REGULAR SESSION

APRIL 19, 2004 2:00 P.M.

# CITY COUNCIL CHAMBER

# **AGENDA**

## 1. Call to Order--Roll Call.

The Invocation will be delivered by Elizabeth Hutcheson Fetter, Presiding Clerk, the Religious Society of Friends.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

# **NOTICE**:

Meetings of Roanoke City Council are televised live on RVTV Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, April 22, 2004, at 7:00 p.m., and Saturday, April 24, 2004, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

# **ANNOUNCEMENTS:**

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853–2541.

THE CITY CLERK'S OFFICE PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853–2541, OR ACCESS THE CITY'S HOMEPAGE AT <a href="https://www.roanokegov.com">www.roanokegov.com</a>, TO OBTAIN AN APPLICATION.

### 2. PRESENTATIONS AND ACKNOWLEDGMENTS:

Presentations by The Center for Digital Government. Susan Benton, Director, Strategic Initiatives.

Proclamation declaring April 18 - 24, 2004 as National Medical Laboratory Week.

Proclamation declaring April 18 - 24, 2004 as National Library Week.

# 3. CONSENT AGENDA

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

C-1 Minutes of the regular meeting of Council held on Monday, March 1, 2004, recessed until Friday, March 5, 2004, recessed until Monday, March 15, 2004; and the regular meeting held on Monday, March 15, 2004.

P 11; P 95

RECOMMENDED ACTION:

Dispense with the reading of the minutes

and approve as recorded.

C-2 A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

P 116

RECOMMENDED ACTION:

Concur in the request.

C-3 Qualification of Nancy F. Canova as a member of the Fair Housing Board for a term ending March 31, 2007.

**RECOMMENDED ACTION:** 

Receive and file.

# **REGULAR AGENDA**

4. PUBLIC HEARINGS: NONE.

### 5. PETITIONS AND COMMUNICATIONS:

a. A communication from Council Member Alfred T. Dowe, Jr., the City's representative to the Roanoke Valley Regional Cable Television Committee, transmitting the RVTV fiscal year 2005 budget.

P 117; R 131

# 6. REPORTS OF OFFICERS:

a. CITY MANAGER:

#### **BRIEFINGS**:

Electronic Voting Machines – 15 minutes Fiscal Year 2005 Proposed Budget – 20 minutes

P 133; P 134

#### **ITEMS RECOMMENDED FOR ACTION:**

1. Approval of Roanoke Neighborhood Advocates By-Laws and Strategic Business Plan.

P 135; R 148

2. Transfer and/or appropriation of funds in connection with the Mill Mountain Water Project.

P 149; B/O 152

3. Transfer and/or appropriation of funds in connection with Grandin Road Streetscapes.

P 153; B/O 155

4. Adoption of resolutions documenting the City's support of an intersection improvement at Riverland Road, Bennington Street, and Mt. Pleasant Boulevard; traffic signal systems equipment upgrades; and inclusion of recently received safety grant funds for enhancements to the proposed Lick Run Greenway crossing at 10th Street, as required by the Virginia Department of Transportation for inclusion in the State's Six-Year Improvement Program.

P 157; R 159; R 160; R 161

5. Appropriation of \$17,989.00 in connection with Outreach Detention/Electronic Monitoring program activities.

P 162; B/O 164

6. Acceptance of Virginia Department of Social Services funds, in the amount of \$42,500.00, for the Opportunity Knocks Program.

P 165; B/O 167; R 168

7. Acceptance of an antique 1941 American LaFrance fire truck from the Fire Brigade of the Kazim Shriners.

P 169; R 171

#### h. CITY ATTORNEY:

Amendment of the City Code to eliminate the residency P 173: 1. requirement pertaining to one member of the Board of Trustees, City of Roanoke Pension Plan.

O 174

Adoption of a measure supporting an application filed by Mr. 2. Will Webb with the Virginia Department of Transportation to plant white oak seedlings along certain sections of I-581 within the City of Roanoke.

P 176; R 177

Acceptance of a parcel of land located on the northeasterly side 3. of Williamson Road adjacent to Oakland Intermediate School for school purposes.

P 178; O 182

#### 7. REPORTS OF COMMITTEES:

Annual Report of the Architectural Review Board. Robert N. Richert, a. Chair.

P 184

Request of the Roanoke City School Board for appropriation and b. transfer of funds to various school accounts; and a report of the Director of Finance recommending that Council concur in the request. Richard L. Kelley, Assistant Superintendent of Operations, Spokesperson.

P 191: B/O 193

## 8. UNFINISHED BUSINESS: NONE.

# 9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS.

A Resolution scheduling a special meeting of Council on Thursday, a. April 29, 2004, at 7:00 p.m., in the City Council Chamber, for the purpose of holding a public hearing on the proposed fiscal year 2005 budget.

P 195; R 196

A Resolution scheduling a special meeting of Council on Thursday, b. May 13, 2004, at 2:00 p.m., in the City Council Chamber, for the purpose of adopting the City of Roanoke's fiscal year 2005 budget; and appointment of two Trustees to the Roanoke City School Board.

P 197: R 198

## 10. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.
- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.

## 11. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

# 12. CITY MANAGER COMMENTS:

CERTIFICATION OF CLOSED SESSION.

THE COUNCIL MEETING WILL BE DECLARED IN RECESS UNTIL 7:00 P.M., IN THE CITY COUNCIL CHAMBER.



# ROANOKE CITY COUNCIL REGULAR SESSION

APRIL 19, 2004 7:00 P.M.

# CITY COUNCIL CHAMBER

## **AGENDA**

Call to Order -- Roll Call.

The Invocation will be delivered by Mayor Ralph K. Smith.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Smith.

Welcome. Mayor Smith.

# NOTICE:

The Council meeting will be televised live by RVTV Channel 3 to be replayed on Thursday, April 22, 2004, at 7:00 p.m., and Saturday, April 24, 2004, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

PRESENTATIONS AND ACKNOWLEDGEMENTS: NONE.

### A. PUBLIC HEARINGS:

- 1.(a) Citizen input regarding appointment of two Trustees to the Roanoke City School Board for three year terms of office, commencing July 1, 2004 and ending June 30, 2007.
  - (b) Selection of persons to receive the formal interview on Thursday, April 22, 2004, commencing at 4:30 p.m., in the Council Chamber. As of 5:00 p.m., on Thursday, April 15, 2004, applications were submitted by the following persons:

Dennis M. Binns Chris H. Craft Robert R. Craig David M. Dabay John W. Elliott, Jr. Roddy L. Hiduskey Glenda D. Lee Alvin L. Nash Samuel Robinson Linda F. Wright Linda F. Wyatt

The deadline for receipt of applications is Monday, April 19, 2004, at 12:00 p.m.

2. Request of Echo Sentinel Group, LLC, to repeal conditions approved pursuant to Ordinance No. 35070-100200 and to replace such conditions with new proffered conditions, with regard to property located at 3509 Peters Creek Road, N. W., identified as Official Tax No. 6421133. Joseph Lohkamp, Co-Owner, Spokesperson.

P 200; O 214

3. Extension of an existing lease with the United States Federal Government, General Services Administration, of a portion of Cityowned property known as the Commonwealth Building, located at 210 Church Avenue, S. W., for office space through October 31, 2004. Darlene L. Burcham, City Manager.

P 216; O 218 4. Proposed conveyance of portions of City-owned property located at the intersection of Yellow Mountain Road and Jefferson Street, S. E., Official Tax No. 4060502, to Carilion Medical Center for expansion purposes. Darlene L. Burcham, City Manager.

P 220; O 224

5. Proposed conveyance of a ten-foot by ten-foot easement across City-owned property located in Jackson Park, S. E., Official Tax No. 4130501, to Roanoke Gas Company for relocation of an eight-foot high relief valve from the northern side of Morningside Street. Darlene L. Burcham, City Manager.

P 226; O 229

6. Proposed conveyance of a perpetual five foot wide by 130 foot long easement across City-owned property located at Franklin Road, S. E., Official Tax No. 4016004, to Cox Communications, Inc., to provide telecommunications service to the building located at 111 Franklin Road, S. E. Darlene L. Burcham, City Manager.

P 230; O 236

## B. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

THE COUNCIL MEETING WILL BE DECLARED IN RECESS UNTIL THURSDAY, APRIL 22, 2004, AT 4:30 P.M., IN THE CITY COUNCIL CHAMBER, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., FOR ROANOKE CITY SCHOOL BOARD INTERVIEWS.

SCHOOL BOARD INTERVIEWS WILL BE BROADCAST ON RVTV CHANNEL 3 ON MONDAY, APRIL 26, 2004, AT 11:00 A.M., AND TUESDAY, MAY 4, 2004, AT 8:00 P.M.

# MOTION AND CERTIFICATION WITH RESPECT TO CLOSED MEETING

#### FORM OF MOTION:

I move, with respect to any Closed Meeting just concluded, that each member of City Council in attendance certify to the best of his or her knowledge that (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by the members of Council in attendance.

#### PLEASE NOTE:

- 1. The forgoing motion shall be made in open session at the conclusion of each Closed Meeting.
- 2. Roll call vote included in Council's minutes is required.
- 3. Any member who believes there was a departure from the requirements of subdivisions (1) and (2) of the motion shall state <u>prior to the vote</u> the substance of the departure that, in his or her judgement, has taken place. The statement shall be recorded in the minutes of City Council.

#### REGULAR WEEKLY SESSION----ROANOKE CITY COUNCIL

#### March 1, 2004

9:00 a.m.

The Council of the City of Roanoke met in regular session on Monday, March 1, 2004, at 9:00 a.m., the regular meeting hour, in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Vice-Mayor C. Nelson Harris presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2–15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and pursuant to Resolution No. 36193–010603 adopted by Council on January 6, 2003, which changed the time of commencement of the regular meeting of Council to be held on the first Monday in each month from 12:15 p.m. to 9:00 a.m.

PRESENT: Council Members C. Nelson Harris, Linda F. Wya Bestpitch, and M. Rupert Cutler	•
ABSENT: None	0.
(Mayor Ralph K. Smith and Council Members Alfred T. Dowe, Ir., a	ınd Beverly T

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

CITY COUNCIL: A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committee appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Bestpitch moved that Council concur in the request of the Mayor that Council convene in a Closed Meeting as above described. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler and Vice-Mayor Harris-4
NAYS: None0

(Mayor Smith and Council Members Dowe and Fitzpatrick were not present when the vote was recorded.)

Fitzpatrick, Jr., arrived late.)

CITY COUNCIL-CITY PROPERTY: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Bestptich moved that Council concur in the request of the City Manager that Council convene in a Closed Meeting as above described. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES:	Council	Members	Wyatt,	Bestpitch,	Cutler	and	Vice-Mayor	Harris-4
NAYS:	None							·C

(Mayor Smith and Council Members Dowe and Fitzpatrick were not present when the vote was recorded.)

PURCHASE/SALE OF PROPERTY-CITY COUNCIL: A communication from the City Attorney requesting that Council convene in a Closed Meeting to discuss acquisition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Bestpitch moved that Council concur in the request of the City Attorney to convene in a Closed Meeting as above described. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES:	Council	Members	Wyatt,	Bestpitch,	Cutler	and	Vice-Mayo	r Harris–4
NAYS:	None							0

(Mayor Smith and Council Members Dowe and Fitzpatrick were not present when the vote was recorded.)

CITY COUNCIL: A communication from the City Attorney requesting that Council convene in a Closed Meeting to consult with legal counsel on a matter of actual litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body, pursuant to Section 2.2-3711(A)(7), Code of Virginia (1950), as amended, was before the body.

Mr. Cutler moved that Council concur in the request of the City Attorney to convene in Closed Meeting as above described. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler and-Vice-Mayor Harris-4.

NAYS: None-----0

(Mayor Smith and Council Members Dowe and Fitzpatrick were not present when the vote was recorded.)

(Council Members Dowe and Fitzpatrick entered the meeting.)

ITEMS LISTED ON THE 2:00 P.M. COUNCIL DOCKET REQUIRIING DISCUSSION/CLARIFICATION; AND ADDITIONS/DELETIONS TO THE 2:00 P.M. DOCKET: NONE.

TOPICS FOR DISCUSSION BY THE MAYOR AND MEMBERS OF COUNCIL: No agenda items were proposed for a joint meeting of Council and the School Board on Monday, April 5, 2004, at 12:00 noon.

Council Member Cutler requested a briefing on the closure of activities at the stadium/amphitheater site on Orange Avenue/Williamson Road; whereupon, the City Manager advised that Branch Highways was instructed to proceed with the balance of excavation, erosion and sedimentation control, and it was necessary to install fencing and security lighting to secure the site and to ensure that there is no liability on behalf of the City relative to the site. She stated that all vendors have been instructed to stop work, contracts will be closed, and the City will determine the necessary payments in order to close out any work that was in progress at the site.

Question was raised in regard to the origination of the oil spill that occurred on Trout Run near the Norfolk and Western shops; whereupon, the City Manager advised that if and when the party at fault is identified, the City will take the appropriate action.

Mr. Cutler inquired about an incident that occurred over the weekend when, it is alleged that police officers entered a residence in error at 417 Bullitt Avenue, S. E.; whereupon, the City Manager advised that the investigation is ongoing and contemplated action, if any, will be reviewed by the Police Department Internal Affairs Division and the Citizens Review Panel.

#### **BRIEFINGS:**

The City Manager introduced a briefing by the Financial Application Integration Team. She advised that Council Member Wyatt previously advocated the replacement of antiquated software and the integration of various components of software within the City organization in order to interact with each other.

John A. Elie, Director of Technology, presented an update on the complete replacement/upgrade of the City's financial, human resources and tax systems. He advised that:

- Most of the City's systems are 20 25 years old.
- Most companies and cities in the late 1990's upgraded their systems to avoid Y2K issues.
- The overall objective and scope of the project is a complete replacement and upgrade of all of the City's major financial systems - payroll and tax systems, with the goal of providing a better integration of systems, data to be produced, and ability of staff to report quickly to Council and to the City's executive management.
- The project involves both the City and the school system.
- In terms of major applications, the financial aspect includes the following major applications: to replace the budget preparation system, to enhance payroll, human resources functionality and time entry, and to upgrade the tax system/collections.
- Key stakeholders include the Director of Finance, Director of Human Resources, representatives of the school system, the City Treasurer, the Commissioner of the Revenue and the Manager of Billings and Collections.
- The City currently uses a mainframe environment and it is unusual to have the majority of all systems on a mainframe.
- A financial package is available through a group known as AMS and the City is in the process of upgrading to the AMS web base.

- The human resources and payroll systems are provided by a separate package from GEAC.
- The City has a number of custom developed applications such as cost accounting, time entry, personal property/local taxes, revenue collections, business license, city-wide billing, and real estate, and each application stores its data in separate files that are difficult to integrate and run together.
- The City is working with AMS to plan an upgrade which will run on a stand alone server, as opposed to a mainframe, that will encompass ledger payables, receivables, purchasing, fixed assets and cost accounting.
- The team is evaluating budget preparation packages, to be followed by a separate request for proposals process for payroll function, followed by human resources and tax and treasury applications.
- Although the company will be required to go through the bid process, the AMS system has the potential of being the successful bidder across financial, payroll, and budget lines inasmuch as the system provides all of the necessary functionality.
- It will take approximately three to five calendar years to complete the project, depending on the availability of staff and funding resources.
- Phase I has been completed which is the analyses of the processes that are currently in place in the City and in the school system, evaluation of alternatives has been completed for a new financial system; Phase 2 is in process which includes planning implementation with the vendor, with a project plan under consideration that calls for a fixed price contract, clearly defined deliverables, and full scale implementation anticipated in the summer of 2004, with completion by the summer of 2005.
- Implementation of the budget process system will occur in November, 2004 and will be available for use in the next round of budget preparation.

Council Member Wyatt guestioned why the tax and treasury components are listed last on the time line; whereupon, Mr. Elie advised that it is important to ensure that the financial system, or the base general ledger, is in place which is the first priority and will impact all of the systems, including payroll and the tax systems; and considerable analysis will be done prior to actual implementation to ensure that tax and treasury environments fit in with the redesigned chart of accounts. He called attention to meetings with the Commissioner of the Revenue to ensure compliance with State Code mandates. and during Phase 2, the team met with representatives of all of the main users of the system in the treasury/tax collection area to document their requirements and processes, the team gained a good understanding of their requirements, and the goal is to determine how available systems in the marketplace can be matched to meet their requirements. He called attention to numerous unique requirements in the tax/treasury collection area due to the nature of State requirements and State laws; the team is working closely with other municipalities to review their applications and no single enterprise application will accomplish all of the work.

There was discussion in regard to integrating various systems as a part of regional efforts such as the Western Virginia Water Authority; whereupon, the City Manager advised that the decision has been made to use Roanoke City's system for billing and Roanoke County's system for financial and human resources/payroll functions for the Water Authority, and there will be instances as the project moves forward when the best system of either the City or the County will be used.

Question was raised as to whether the new system could lead to additional areas of City/School cooperation, such as in the areas of purchasing and human resources, etc.; whereupon, Mr. Elie advised that there will be a number of opportunities to work closer as a result of the environment; and currently the school system uses the City's financial system for payroll purposes, the school system is interested in using the human resources component, and "piggybacking" off of the purchasing system.

Mr. Elie advised that the project will cost approximately \$7 million which includes \$1 million of internal staff time, with the bulk of funds to be used for hardware, software, professional services and training; the School system will contribute approximately \$150,000.00 per year over the next several years; there is a significant commitment on the part of the School Board and City departments to make the new system successful, in order to be more productive and responsive in addressing requests for information; benefits will be seen in stages; once the ledger is in place, the City will have a new purchasing and accounts payable system, followed by enhanced payroll, human resources and a tax and treasury system; and the rate at which the project is sustained will be dependent upon funding availability.

Mr. Elie highlighted some of the reasons for the project;

- To enhance integration between systems that are currently in place.
- To obtain full use of the human resources functionality for both the City and the Schools.
- To improve the budget preparation system which is currently limited in terms of what it can do to create new reports.
- The new environment will allow key end users to go into the system, select the information they need, and prepare their reports in a much more timely manner, with the ultimate objective to create accurate processing of data, timely reports and easier access to key enterprise information.

(The Mayor entered the meeting and presided over the remainder of the Council session.)

Ms. Wyatt stated that when Council requested the study of an integrated system, it was for the purpose of focusing on assessing taxes and identifying those tax dollars that are not currently being collected by the City. She expressed concern that the primary concern of Council has not been addressed in the presentation.

In response, Mr. Elie requested that the team be allowed to further review timing and the approach to implementation in order to determine if there are opportunities to accelerate certain revenue generating aspects.

The City Manager responded that Council expressed a desire for the various systems to have the capability of talking with each other; there might be information available in one system that could benefit another system, which, at the present time, cannot be shared and it is believed that integrating the system will improve the revenue issue. She stated that Ms. Wyatt's concern is addressed under the category of enhanced integration between systems and if information and activities can be shared among City departments through computer systems, the end result should be improved assessment of taxes.

The Mayor inquired as to the number one factor driving the project; whereupon, Mr. Elie advised that the number one driving force would be timely reporting and the ability to respond to Council and to citizens for information requests.

The Director of Finance advised that most of the major systems that are proposed to be replaced are in the range of 20 – 25 years old, and these systems represent the City's financial infrastructure. He stated that currently, other than through a manual process, the City cannot track such things as the cost of operating a specific program, or the cost of storm drain maintenance, or position tracking, etc. He added that the City's tax system is approximately 20 years old, the personal property tax system used by the Commissioner of the Revenue was prepared in-house many years ago and has been significantly modified so as to be compatible with the Governor's no car tax program; none of the systems are as efficient as they can or should be; the accounting system and procurement system will provide opportunities for the school system to use the programs, and consolidation of programs will save money over the long term.

Council Member Bestpitch advised that City staff is positioning Council and the citizens in terms of the planning and vision of the City for the future which must be based on solid financial data from a system that will pull out numbers to demonstrate the impact of changes. He stated that to position this Council and future Councils to be able to make better policy judgments and decisions is the product that will be produced for the future and will keep the City of Roanoke moving forward in a positive direction. He requested reassurance as to how improved or how enhanced the process will be as a result of the new system; i.e.: will the end result of the functions take the City where it would like to be, or will the end result be an improvement or an enhancement over past applications in terms of the level of integration with the ability to share data and to generate various reports.

Mr. Elie responded that the team has targeted a fundamental redesign and improvement in the reporting platform that will be available to end users, with the desired goal to create an environment where in a single place, an end user can select information to respond to Council in order to support policies and procedures as opposed to today's practice which involves working with five or more systems, pulling out separate reports and compiling all of the information manually on a spreadsheet. He advised that there will be a few applications that will continue to be custom applications because a vendor product is not available for purchase, and in those situations information will be placed in a recording database which will include information from the stand alone systems in a single location.

Mr. Elie explained that there are cost benefits and components to the project that have a strong payback, particularly in the treasury/tax area, based on the consultant study prepared in Phase I; in other areas such as payroll and human resources, payback stretches out for ten to twelve years, and information will be provided to Council for review to demonstrate that the project is economically feasible, and that the City is taking the lowest cost approach and showing a payback.

Dr. Cutler requested assurance that the information will be available to not only Council and City staff, but to the public as well; whereupon, Mr. Elie advised that in addressing transaction systems, most of the financial and human resources payroll information is used primarily by staff, and there is a kind of separate category of information that is intended for public use; and the benefit of going to the web base systems will provide for that category of data to be made available on the internet to enhance the public's ability to access information and also ties in with the strategy of self-service for citizens and employees. He stated that the goal is to install systems that will allow citizens to conduct business with the City.

Robert H. Bird, Project Manager, Information Technology Division, was requested to provide input; whereupon, he advised that it is unfortunate that the time line component does not allow the tax/treasury and payroll/human resources components to be implemented first, both of which will give the City the greatest benefit. However, he stated that the City's current financial system will be unsupported on July 1, 2005, because AMS has advised that it will discontinue support on the City's main frame component as of that date. He called attention to the need to replace the budget preparation system, which is tightly integrated with the financial system and was the driving force in the decision to include that component in the early stages of the study. He added that it was necessary to make numerous trade offs, timing decisions were made that were outside of the City's control, but overall, he stated that he was comfortable with the proposed schedule.

#### **Library Study Update:**

The City Manager called upon Demetria Tucker, Acting Director of Library Services, for a briefing on the library system comprehensive study.

Ms. Tucker advised that since January 2004, four information sessions have been conducted in Roanoke's neighborhoods; whereupon, she called upon Sheila Umberger, Manager of Technical Services and Project Facilitator, to present a detailed briefing.

Ms. Umberger advised that a request for proposals was sent out in October, 2003, eight proposals were submitted in November, 2003, interviews were conducted and a vendor was selected in January 2004, and a contract was negotiated in February 2004.

She advised that nine proposals were submitted and eight were accepted for consideration; i.e.: Hillier, Phillips Swagger Associates, Lukmire Partnership, Providence Associates, Inc., Dubberly Garcia Associates, Inc., Hidell Associates Architects, David Milling and Associates, Himmel and Wilson Library Consultants; and Phillip Swagger Associates, Hillier, and Hidell & Associates Architects, were interviewed.

Ms. Umberger stated that Hidell Associates, Architects, of Carrollton, Texas, is proposed to be awarded the contract; the firm is recognized for having extensive experience in innovative library consulting, operational assessments, long-range planning, space needs and building expansion studies; locally, the firm will be working with Katz McConnell Associates and a contract will be executed within one month.

She stated that once the contract is executed, Library staff will be working with the architect to initiate the study which will include a planning workshop that will be composed of participants from the steering committee, the planning team, Library Board members, library staff and key stakeholders; other details of the study include focus groups, telephone surveys, building program and space, program collection and staff needs; and the process will include a strong emphasis on citizen input and participation.

Council Member Bestpitch asked that the consultant look at the Commonwealth of Virginia Building as a potential site for the library. He referred to the amount of square footage in the building and advised that the top two floors consist of a "U" shape, with a large space in the middle, and inquired if an addition could be designed in the open space that would provide a compatible design for the remainder of the building that could be used for library purposes.

Dr. Cutler advised that also to be considered is the library's relationship to Elmwood Park and the City's Parks and Recreation Department; whether or not the current library should remain in its present location, or renovated or razed; the relationship to Downtown Roanoke, Inc., Outlook Roanoke, the future Bullitt Avenue and the future of the Jefferson Lodge Motel. He stated that he shares the interest of Mr. Bestpitch in looking at the Commonwealth of Virginia Building as a potential location for a main library in the future, the building is an architectural landmark, it would complement the Noel C. Taylor Municipal Building and the Courthouse and build on a kind of government center that clusters municipal service buildings.

#### Right-of-way Excavation Policy:

The City Manager introduced a briefing on the proposed right-of-way excavation standard which has been ongoing for approximately 18 months and came about as a result of a number of statements by Members of Council with regard to the appearance and condition of City streets, and more specifically the downtown area. She stated that many times, when a street is paved, within weeks after the pouring of the new pavement, significant utility cuts are made by major utility providers and, on occasion, by the City itself. She explained that the proposed policy is a work in progress, City staff continues to receive feedback on the proposals, and the process has reached the point where it is important to receive input from Council to determine if staff is moving in the right direction since the proposed policy will involve additional expense in the actual execution of the utility cut itself in terms of the types of materials and the kind of practices that are used in implementation and/or inspection requirements by the City. She advised that an ordinance will be submitted to Council for consideration which will officially implement the proposed changes.

Philip C. Schirmer, City Engineer, advised that the briefing would consist of two parts; i.e.: a review of past concerns and the proposed new policy. As background information, he stated that:

- Work in a public street requires a street opening permit and under current policy, City crews are exempted from acquiring permits.
- Permits cost \$36.00.
- The City's authority to regulate the work in public streets is set out in Chapter 30 of the City Code.

- Approximately 2,000 permits per year are anticipated after the Western Virginia Water Authority is operational in July 2004, and currently in the range of 1300 – 1400 permits are issued per year, with the Water Authority estimated to add between 700 – 800 permits to the current load.
- Utility companies affected by the policy include American Electric Power (AEP), Roanoke Gas Company, Verizon, Cox Communications, Adelphia, KMC, and any entity with a utility interest in a public street.

He presented slides depicting what is underneath City streets, such as old water mains, sewer lines, AEP ducts, and underground wiring for street lighting purposes. He referred to a kaleidoscope of markings that currently appear on City streets and sidewalks which are color coded to indicate what is underground; i.e.: green on manholes indicate either a storm sewer or a sewer. red indicates a power line. orange indicates sanitary telecommunications line, blue indicates a water line, and yellow indicates the presence of a gas tank.

Mr. Schirmer also reviewed slides showing what a utility cut will look like in three to five years and noted that no matter how good a repair is, once a street is cut, it is damaged and the life of the pavement is diminished. He presented examples of good and poor utility cut repairs and advised that existing problems include, no written policy or standard, the quality of repairs to the pavement, the timeliness of repairs, the coordination of utility work with the City of Roanoke's Paving Program and the warranty of repairs. He stated that the basis for the new policy is an obligation to accommodate public utilities in the public rights-of-way, a desire to maintain and maximize the life of the City's street and sidewalk infrastructure, to provide for public safety and to minimize any inconvenience to the traveling public.

Mr. Schirmer advised that the proposed new standards are the product of approximately ten months of work. He reviewed the following proposed standards, including three elements:

#### Proposed Trench Repair Standards:

- Compaction of backfill
- Three alternative materials
- Select material or acceptable local material
- VDOT #212 aggregate
- Flowable fill
- Certification of compaction by technician
- Match pavement to existing thickness
- Rideability tolerance is 1/4" across the width of the patch
- Pavement restoration
- Main areas of concern

Appearance Rideability

- Restore the pavement as nearly as possible to its original condition
- Requirement for milling and overlay of pavement surface
- Criteria for mill and overlay
- Longitudinal installations mill and leave a full lane width
- Service laterals
- Lane markings or centerline stripe
- Mill and overlay ten feet either side of the cut of the lane width
- Without lane markings
- Mill and overlay a distance of four feet from the edge of the initial repair

#### Coordination with the Annual Street Paving Program:

- Public paving schedules two years in advance
- Utilities can avoid the expense of milling and repaving by coordinating their work with the City's paving program
- Only initial patches are required on streets scheduled to be paved within two years

Mr. Schirmer explained that costs are more expensive with the requirement for milling and overlay of pavement, adding between \$.65 and \$3.75 per square foot of pavement; and increased inspection demands will occur, with three new inspection positions to be requested in fiscal year 2005 to accommodate new inspection requirements.

Council Member Wyatt made the observation that the proposed policy will not encourage developers to install cable and wires underground, and some developers have stated that they choose to build in Roanoke County because it is cost prohibitive to build in Roanoke City.

Mr. Schirmer advised that proactive inspection includes a data base to track utility cuts by utility, contractor, location and date and to the limit the number of open permits; a one year warranty will be required on repairs, with inspections at 11 month intervals, and written follow up of defective repairs through use of the City's database, and the City will make repairs if the contractor fails to respond.

He reviewed permit fees, i.e.: the current fee is \$36.00, the average cost is \$100.00 for approximately two hours, therefore, it is recommended that the permit fee be increased to at least \$50.00, which appears to be the benchmark level of permits issued by other Virginia localities. In regard to implementation of fees, he advised that the new standard will apply to all work in the public street rights-of-way, the new standard will also apply to City crews as well as private utilities; and City crews will be required to obtain permits, meet repair standards and warranty requirements.

The City Attorney addressed legal issues and advised that in the broad context, public rights-of-way have been the field of battleground, particularly at the national level, since Congress believes that streets are owned by the public, therefore, they can regulate the terms under which the streets are used; Congress has been pressured by the telecommunications industry to enact broad powers giving cart blanche access to telecommunications companies to public rights-of-way; localities have fought back because they cannot have companies at will tearing up public streets; and the General Assembly also seems to think that streets are public streets, that the General Assembly can dictate the terms under which the streets are used, rather than local government which actually owns the streets and is responsible for maintaining the rights-of-way for public use. Because the City of Roanoke has a rudimentary street opening ordinance which is approximately 40 years old, in adopting the proposed policy, he proposed certain amendments to the City Code; and when adopting standards for utility cut repairs the City will most likely hear from some of the utility companies that actually use the public rights-of-way, particularly those that have franchise agreements with the City. He stated that his legal advice to City engineers has been that the City can avoid legal issues with most Federal and State laws and franchise agreements, if any action taken by the Council is applied uniformly and not strictly to private industries, but to the City of Roanoke as well.

Council Member Fitzpatrick referred to the condition of Elm Avenue between Fourth and Fifth Streets, and the irony is that the citizens of Roanoke are paying to repair the streets; the City Engineer has offered a comprehensive review of the problem which indicates that the City should render better inspections and if the City does its job well, it can have greater expectations of others. He called attention to the importance of parity and the need to reach the point where the level of the streets and the quality of the ride is good for Roanoke's citizens, therefore, he encouraged City staff to continue moving forward with the proposed excavation policy. He inquired as to the amount of funds expended by the City on the repair of potholes as a result of poor utility cuts.

Council Member Cutler expressed support of the proposed utility cut standards and encouraged City staff to move forward with the new policy as expeditiously as possible. He referred to the remarks by Mr. Schirmer earlier in his presentation that 700 additional permits will be issued because of the Western Virginia Regional Water Authority, and inquired if they will become Water Authority operations as opposed to City operations. The City Engineer responded that on July 1, 2004, the Water Authority will have to apply for permits which will be a new class of utility cuts to be addressed by the City.

Mr. Cutler referred to the different colors of paint markings and questioned whether there could be a coordination of repaying and utility cuts; whereupon, the City Engineer advised that utility systems that contractors are required to follow provide that the markings must remain in place for 90 days. Mr. Cutler questioned if there are problems with utility cuts across open land improper fillina and lack of reseedina could erosion/sedimentation problem; whereupon, Mr. Schirmer advised that the matter will be addressed in the proposed policy to include grassy areas between the private property line and the pavement, as well as compaction and restoration standards.

Mr. Bestpitch alluded to a previous discussion with regard to encouraging more co-location of telecommunication lines, etc., and noted that if the City is changing to a requirement to repave an entire lane width, this concern may be eliminated; whereupon, the City Engineer advised that it is hoped that the incentive to offer a two year review of the City's street paving program will identify all parties who are interested in disturbing a street who could then be encouraged to share trenches; and the great influx of telecommunication companies desiring to lay lines is a thing of the past.

Mr. Bestpitch advised that no matter how good the utility cut is, there will be some diminished life of the pavement; whereupon, he questioned whether there is a way to build in some type of compensation to the City as a part of the process; i.e.: depending on the number of years since the street was last paved, an additional fee could be imposed which would not be intended to increase revenue, but to encourage affected parties to work within the street repaying plan, or the two year window. The City Engineer responded that the idea was reviewed earlier in the study and rejected because many of the telecommunications providers are currently challenging such a fee in court on the basis that they currently pay a right-of-way use fee, and from a national perspective, many communities that have gone toward that type of fee are currently being challenged by the utility provider, primarily telecommunications companies who believe that they are being taxed twice for the same service. He stated that based on the advice of the City Attorney's Office, at least for the initial cut, the City should move away from imposing a fee, and review the matter once again in the future. Mr. Bestpitch suggested a future review as to whether the fee is providing the necessary revenue, or if there is a need for adjustment, because if utility providers argue the point in court, the City should collect a sufficient amount of revenue through that mechanism to address actual costs.

Mr. Bestpitch referred to previous discussion in regard to ensuring that the appearance of a street is returned as closely as possible to the way the street looked prior to commencement of the work, and expressed special interest in the historic overlay districts that have unique characteristics such as granite curb stones, brick sidewalks, etc. He asked if contractors will be required to replace those areas with similar types of materials, in order to preserve the historical texture of their appearance; whereupon, the City Engineer advised that whatever was in place originally will be replaced in kind which includes all rights-of-way, alleys, streets, sidewalk, etc.

Mayor Smith referred to asphalt on sidewalks in many areas of the City; whereupon, the City Engineer advised that most of the asphalt represents repairs that are done quickly to eliminate any hazard associated with tripping and falling; and there has been some progress with the curb, gutter and sidewalk program, and the \$5 million that was approved by Council several years ago has improved the situation.

With regard to the utility cut fee increase from \$36.00 to \$50.00, the Mayor raised the following question: if a contractor makes window cuts eight times in a block, would the contractor pay eight times \$50.00? The City Engineer responded that currently, individual permits are required per window cut, and on a longitudinal project, it is likely that only one permit would be required. The Mayor expressed concern with regard to the same fee for one window cut and a trench that could be as much as a block or more long; whereupon, the City Engineer advised that under the new policy, a cut or repair larger than 12 x 12 inches would require a permit. Following discussion, the Mayor suggested that the fee should be based on square footage; whereupon, the City Engineer advised that there would be a problem in determining up front the site of the cut, therefore, one fee appears to work better.

The Mayor requested information on the amount of revenue from rightsof-way payments made by utility providers, and whether the funds are earmarked for street maintenance.

The City Manager advised that over the next several years, Council gave support to the City Administration to build the amount of funding in the operating budget for technology, for the annual allocation for street paving to provide for a regular and ongoing schedule, for an improvement to the Capital Equipment and Replacement Program (CMERP) so that vehicles and other equipment can be replaced on a more regular basis, and on building the City's infrastructure which has been seriously neglected in the past. She stated that each item will grow to the extent possible over the next several years so that on a recurring basis there will be sufficient funds for normal street paving and other items, therefore, it is important that the City adhere to a street paving schedule as it looks at applying the utility cut policy.

Mr. Cutler stated that the Regional Water Authority will provide an incentive to conserve water in terms of water rates, and questioned if the City could provide an economic incentive to use the same cut in order to co-locate utilities; whereupon, the City Engineer advised that the incentive exists, and if the two utilities share the same utility cut, they will also share the cost of restoration.

The City Manager advised that in the past, the City has not been as aggressive in its inspection performance as would be desired; whereupon, she assured Council that the City administration will be very aggressive in the inspection of utility cuts and will hold affected parties to their responsibilities. She added that the issue of non-compliance will also be addressed in the utility cut policy ordinance that will be submitted to Council for consideration.

At 11:30 a.m., the Mayor declared the meeting in recess for a Closed Session.

At 11:40 a.m., the Council convened in Closed Session in the Council's Conference Room, fourth floor, 215 Church Avenue, S. W., Noel C. Taylor Municipal Building.

The Closed Session was declared in recess at 12:30 p.m., for lunch.

At 1:05 p.m., the Council reconvened in Closed Session in the Council's Conference Room.

At 1:40 p. m., the Council meeting reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with all Members of the Council in attendance and Mayor Smith presiding.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Dowe moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

<b>C</b> .1				Fitzpatrick,		
Cutie	r, and r	Mayor Sm	ith	 	 	/.
	NAYS:	None		 	 	0.

ADVISORY COMMITTEE, LEAGUE OF OLDER AMERICANS: The Mayor advised that the term of office of Vickie F. Briggs as a member of the Advisory Committee, League of Older Americans, will expire on February 28, 2004; whereupon, he opened the floor for nominations.

Mr. Bestpitch placed in nomination the name of Vickie F. Briggs.

There being no further nominations, Ms. Briggs was reappointed as a member of the Advisory Committee, League of Older Americans, for a term ending February 28, 2005, by the following vote:

FOR MS. BRIGGS: Council Members Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler, and Mayor Smith----7.

At 1:45 p.m., the Mayor declared the meeting in recess until 2:00 p.m., in the Council Chamber.

At 2:00 p.m., on Monday, March 1, 2004, the Council meeting reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Smith presiding.

PRESENT: Council Members Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., C. Nelson Harris, Linda F. Wyatt, William D. Bestpitch, M. Rupert Cutler, and Mayor Ralph K. Smith -----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The meeting was opened with a prayer by The Reverend Scott McLucas, Pastor, Church of the Holy Spirit Orchard Hills.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

#### PRESENTATIONS AND ACKNOWLEDGEMENTS:

ACTS OF ACKNOWLEDGEMENT-SCHOOLS: The Mayor presented Honorary Citizenship Certificates to students from Kasei University and Kawaguchi Junior College who are participating in a Virginia Western Community College Cultural Exchange Program.

DECEASED PERSONS: Mr. Bestpitch offered the following resolution expressing sympathy upon the passing of Lee B. Eddy, former Member of the Roanoke County Board of Supervisors on February 11, 2004:

(#36630-030104) A RESOLUTION memorializing the late Lee B. Eddy, a resident of the Roanoke Valley and former member of the Roanoke County Board of Supervisors.

(For full text of Resolution, see Resolution Book No. 68.)

Mr. Bestpitch moved the adoption of Resolution No. 36630–030104. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler, and Mayor Smith-----7.

NAYS: None-----0.

DECEASED PERSONS: Mr. Dowe offered the following resolution expressing sympathy upon the passing of Greta Evans, a long time resident of the City of Roanoke, on February 22, 2004:

(#36631-030104) A RESOLUTION memorializing the late Greta Evans, a longtime resident of the City of Roanoke.

(For full text of Resolution, see Resolution Book No. 68.)

Mr. Dowe moved the adoption of Resolution No. 36631-030104. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler, and Mayor Smith-----7.

NAYS: None-----0.

PROCLAMATIONS-ACTS OF ACKNOWLEDGEMENT: The Mayor presented a proclamation declaring Monday, March 1, 2004, as "Star City Spirit Cheerleaders Day".

#### **CONSENT AGENDA**

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately.

MINUTES: Minutes of the regular meetings of Council held on Tuesday, January 20, 2004; Monday, February 2, 2004, and recessed until Tuesday, February 10, 2004, were before the body.

(For full text, see Minutes on file in the City Clerk's Office.)

Mr. Fitzpatrick moved that the reading of the minutes be dispensed with and that the minutes be approved as recorded. The motion was seconded by Mr. Cutler and adopted by the following vote:

	AYES: Council layor Smith				
and iv	layor Smith	 	 	 	/.
	NAYS: None	 	 	 	·0.

APPALACHIAN POWER COMPANY-SPECIAL PERMITS-LICENSES: A communication from the City Manager requesting that Council authorize a public hearing to be held on Monday, March 15, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard in the City Council Chamber, on the proposed encroachment into public right-of-way of a proposed sign and awning at 22 Campbell Avenue, S. E., Official Tax No. 4010316, was before the body.

Mr. Fitzpatrick moved that Council concur in the request of the City Manager. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council M Cutler, and Mayor Smith			
NAYS: None			

APPALACHIAN POWER COMPANY-SPECIAL PERMITS-LICENSES: A communication from the City Manager requesting that Council authorize a public hearing to be held on Monday, March 15, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the encroachment of a proposed sign into the public right-of-way at 22 Campbell Avenue, S. W., was before the body.

Mr. Fitzpatrick moved that Council concur in the request of the City Manager. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler, and Mayor Smith-----7.

NAYS: None-----0.

#### **REGULAR AGENDA**

PUBLIC HEARINGS: NONE.

PEITIONS AND COMMUNICATIONS: NONE.

**REPORTS OF OFFICERS:** 

**CITY MANAGER:** 

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

ROANOKE CIVIC CENTER: The City Manager submitted a communication advising that JAM Theatricals, Ltd. (JAM) has brought many high quality Broadway type events to the Roanoke Civic Center that were well received by audiences; JAM wishes to enter into a multi-year Co-promotion Agreement with the City for the purpose of presenting a subscription series and stand alone presentations for Broadway type events at the Roanoke Civic Center; and co-promotion would enable JAM to bring larger and popular events to the facility, maximize profitability, and minimize any loss for the events.

It was further advised that entering into the proposed Agreement with JAM would enable the City to achieve its goals of promoting quality events and increasing its revenue base; it would also enable JAM to bid on events far in advance of each season; JAM would be required to present a minimum of four events on average in each season under the terms of the Agreement; the Agreement would be for three years, with a two year option to extend; and the season would run from September 1 through May 31 of the following year; however, two remaining events for the current season would be included in the Co-promotion Agreement.

It was explained that both parties would share any profits or losses for any of the events on a 50/50 basis; revenues to be shared include: all ticket receipts, net subscription handling fees and service charges, net merchandise sales from productions and corporate sponsorships directly related to productions booked by the promoter; merchandising would be shared 50/50 by the promoter and the City; the City would retain 100 per cent facility surcharges, concessions, catering, and admissions tax; and net profits and net losses derived from the series would be determined on a show-by-show basis.

It was further explained that each event presented under the terms of the Agreement would be subject to the Civic Center's standard License Agreement; the promoter would be responsible for obtaining insurance in accordance with the terms of the License Agreement for each of the events; the City's potential liability for losses pursuant to the Agreement is unlimited, however, any loss under terms of the agreement would be subject to appropriations by Council; in the event that funds are not appropriated, the City would be relieved of any further responsibility to the promoter for such loss; and either party may terminate the Agreement, with or without cause, upon 60 days written notice to the other party.

The City Manager recommended that she be authorized to execute a Copromotion Agreement between the City and JAM Theatricals, Ltd., with all documents necessary to implement terms of the Agreement to be approved as to form by the City Attorney; and that the City Manager be further authorized to take such actions and to execute such documents as may be necessary to implement and administer the Agreement, including an option to extend the Agreement.

#### Mr. Dowe offered the following ordinance:

(#36632-030104) AN ORDINANCE authorizing the proper City officials to enter into a multi-year Co-promotion agreement with JAM Theatricals, Ltd. ("JAM"), for the purpose of presenting a subscription series and stand-alone presentations for Broadway type events at the Roanoke Civic Center, upon certain terms and conditions; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 68)

Mr. Dowe moved the adoption of Ordinance No. 36632-030104. The motion was seconded by Mr. Harris and adopted by the following vote:

C				Fitzpatrick,		
Cutio	,	,				
	NAYS:	None	 		 	0.

BUDGET-HUMAN DEVELOPMENT-GRANTS: The City Manager submitted a communication advising that Social Services, through the Foster Care Program, provides out-of-home placements for children who are in need of protection and can no longer live at home; for those children who are deemed eligible for Title IV-E funding, the Federal and State governments will reimburse localities for the costs of out-of-home placements at 100 per cent of the maintenance, day care and visitation-related transportation; and Federal and State funding is also available to assist adoptive families with the cost of maintenance and special needs for children requiring services outside of the usual living expenses.

It was further advised that as part of the mid-year review process, the City of Roanoke received additional funding for Foster Care, Adoption Subsidy, and Special Needs Adoptions for fiscal year 2004 in the amount of \$645,000.00, which is based on expenses for the first six months of fiscal year 2004; Social Services currently maintains over 600 children who are in Foster Care, or receive some type of adoption assistance and the cost of providing services to these children continues to increase; and many of the children have difficulties which require special needs payments.

#### The City Manager recommended the following:

- Increase the General Fund Revenue estimate by \$645,000.00 in revenue Account No. 001-110-1234-0675 (Foster Care).
- Appropriate funding in the amount of \$645,000.00 to the following accounts:

001-630-5314-3115	(ADC Foster Care)	\$400,000.00
001-630-5314-3130	(Special Needs Adoption)	175,000.00
001-630-5314-3155	(Subsidized Adoption)	70,000.00

Mr. Dowe offered the following budget ordinance:

(#36633-030104) AN ORDINANCE to appropriate funding for the Foster Care Program, amending and reordaining certain sections of the 2003-2004 General Fund Appropriations and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36633-030104. The motion was seconded by Mr. Harris and adopted by the following vote:

	AYES:	Council	Members	Dowe,	Fitzpatrick,	Harris,	Wyatt,	Bestpitch
Cutle	r, and $N$	Mayor Sm	ith					<del>-</del> 7.
	NAYS:	None						0.

POLICE DEPARTMENT-BUDGET: The City Manager submitted a communication advising that in 1991, the Virginia General Assembly passed State legislation allowing local law enforcement to seize and have forfeited property connected with illegal narcotics distribution; the law also makes it possible for police departments to receive proceeds from the forfeited properties; application for an equitable share of the property seized by local law enforcement must be made to the Department of Criminal Justice Services, Forfeited Asset Sharing Program, and certified by the Chief of Police; property, including funds shared with State and local agencies, may be used only for law enforcement purposes; program requirements mandate that the funds be placed in an interest bearing account and that the interest earned be used in accordance with program guidelines; and revenue totaling \$42,872.00 has been collected and is available for appropriation in Grant Fund (Account No. 035-640-3302-3300).

It was further advised that in 1986, Congress authorized the transfer of certain Federally forfeited property to State and local law enforcement agencies that participated in the investigation and seizure of the property; application for an equitable share of property seized by local law enforcement must be made to the U.S. Department of Justice and certified by the City Attorney; the property, including funds shared with State and local agencies, may be used only for the purpose stated in the application, i.e., narcotics investigations related to law enforcement; participation in Federally forfeited property enhances the effectiveness of narcotics investigations by providing necessary investigations equipment, investigative funds, and offsets the costs that would otherwise have to be borne by taxpayers; the Police Department receives funds periodically from the Federal government's asset sharing program; grant requirements mandate that the funds be placed in an interest bearing account and that the interest earned be used in accordance with program guidelines: and revenue totaling \$66,278.00 has been collected and is available for appropriation in Grant Fund Accounts 035-640-3304-3305 and 035-640-3304-3306.

The City Manager recommended that Council increase the Grant Fund revenue estimate for Account No. 035-640-3302-3300 by \$42,872.00 and appropriate \$42,872.00 to the Grant Fund - Overtime Wages, Account No. 035-640-3302-1003; and increase the Grant Fund revenue estimate in Account No. 035-640-3304-3305 by \$65,849.00 and Account No. 035-640-3304-3306 by \$429.00 and appropriate \$66,278.00 to the Grant Fund - Investigations and Rewards, Account No. 035-640-3304-2150.

Mr. Dowe offered the following budget ordinance:

(#36634-030104) AN ORDINANCE appropriating funds for the Federal and State Asset Forfeiture grants, amending and reordaining certain sections of the 2003-2004 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36634-030104. The motion was seconded by Mr. Cutler and adopted by the following vote:

	AYES:	Council	Members	Dowe,	Fitzpatrick,	Harris,	Wyatt,	Bestpitch
Cutle	r, and N	Mayor Sm	ith					7.
	NIAVC:	None						0

CITY CODE-HOUSING/AUTHORITY: The City Manager submitted a communication advising that in late 2002, the City of Roanoke's Fair Housing Board undertook an amendment to existing fair housing regulations and a revision of the responsibilities of the Fair Housing Board; on July 7, 2003, at a Council work session, a proposed revised ordinance was presented to Council for consideration; a decision was made to focus locally on education and to not duplicate services now offered by the State; the revised ordinance was presented to the Fair Housing Board on August 5, 2003, and the Fair Housing Board expressed concerns pertaining to the protected class categories as well as adjudicatory powers and invited Council Members to attend its meeting to discuss their concerns; on October 7, 2003, Council Members Bestptich and Cutler met with the Board and heard their concerns: Council Member Bestpitch presented an update from the meeting to Council at its November 3, 2003 work session, and explained that the ordinance was revised to be in compliance with Federal and State laws, to remove the adjudicatory powers of the Board, and to place Board emphasis on education and outreach. Councilman Bestpitch also advised the Council that the Fair Housing Board felt strongly that the adjudicatory powers should not be eliminated from the ordinance; Council agreed to leave in these functions for the time being and the ordinance was revised to include these powers.

The City Manager recommended that Council adopt an ordinance amending and reordaining Division I, Generally, and Division 2, Fair Housing Board, of Article III, Fair Housing Administration, Chapter 16, Human Rights, of the Code of the City of Roanoke (1979), as amended, by amending and adding certain definitions and sections to effect amendments to the City's fair housing ordinance in order to be consistent with current Federal and State fair housing regulations, and revising responsibilities of the Fair Housing Board.

Mr. Bestpitch offered the following ordinance:

(#36635-030104) AN ORDINANCE amending and reordaining Division 1, Generally, and Division 2, Fair Housing Board, of Article III, Fair Housing Administration, of Chapter 16, Human Rights, of the Code of the City of Roanoke (1979), as amended, by amending and adding certain definitions and sections to effect amendments to the City's fair housing ordinance in order to be consistent with current federal and state fair housing regulations, revising the responsibilities of the Fair Housing Board, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Bestpitch moved the adoption of Ordinance No. 36635-030104. The motion was seconded by Mr. Cutler.

Brenda Hale, President, Roanoke Branch NAACP, 3595 Parkwood Drive, S. W., expressed concern in regard to those revisions pertaining to the responsibilities of the Secretary to the Fair Housing Board. She stated that such authority should not rest solely with the position of Secretary, but with the decision of the full Fair Housing Board. She advised that at issue is the autonomy of the position of Secretary as related to how the position functioned in the past, and if discriminatory issues arise, the Fair Housing Board should evaluate the issue, as opposed to one individual who could be a City employee, or other appointed person.

Brenda Walker, Chair, Housing Committee, Roanoke Branch NAACP, 3012 Cove Road, N. W., advised that it has been stated to the Fair Housing Board that only one housing complaint was received by the City approximately 20 years ago, which would lead persons to think that there is no housing discrimination in the City of Roanoke, or that persons do not know where to go when they believe they are the victims of housing discrimination; however, studies have shown that the former statement is incorrect. She stated that studies and reports of discrimination received by the Roanoke Branch NAACP and others substantiate that housing discrimination is still prevalent in the Roanoke Valley, and housing discrimination has manifested itself because of the inactivity of the Fair Housing Board in educating the public as to their rights and how to file a complaint when necessary. She added that another reason for the lack of housing discrimination complaints is that persons do not know when they are being discriminated against, and unless there is blatant discrimination, complaints are rarely filed; the United States Department of Housing and Urban Development estimates that 80 per cent of those persons who are discriminated against because of race, color, or national origin do not know they have been discriminated against, and the lack of documentation of complaints has also been a major reason for the low number of complaints. She asked, if a person does not know that he or she is a victim of discrimination, does that relieve the Fair Housing Board, or the City of Roanoke of its obligation to ensure that all people of Roanoke have the right to live where they desire. She stated that if the Fair Housing Board has not received a complaint of discrimination in 20 years, the question is, why. She inquired as to why the City would want to relieve the Fair Housing Board of these adjudicatory powers and the fact that the Board has not heard complaints does not justify precluding the Board from doing so in the future. She added that the Roanoke Branch of the NAACP believes that the powers and duties of the Fair Housing Board should be strengthened.

Mr. E. Duane Howard, 508B Walnut Avenue, S. W., spoke as a former member of the City of Roanoke and the City of Alexandria Fair Housing Boards, and commended the City Manager and City staff on the proposed ordinance which required a great deal of work and brings the City of Roanoke 10 to 15 years up to date. He stated that the remarks of the previous two speakers are on target; as a former member of the Fair Housing Boards, he participated in housing testing programs in both the City of Roanoke and the City of Alexandria, and he can attest to the fact that not only has he been a victim of housing discrimination, but housing discrimination does exist and is a serious issue in the City of Roanoke. He explained that the Housing Code states that a landlord cannot discriminate against a tenant for having complained, or for having started a tenant's association, however, to discriminate, the landlord may ask for the return of their property at the end of the lease, or the landlord can raise the rent. On behalf of the disadvantaged population, senior citizens, and the physically and mentally disabled, he implored Council to place the issue on the City's legislative agenda for consideration by the Virginia General Assembly. He questioned whether the poor and the disadvantaged should be forced to move every year because they live in inferior housing which is a serious problem and will not improve. He stated that the proposed new ordinance is a step in the right direction, and the City should request the General Assembly to strengthen any laws that enforce the rights of tenants against discrimination.

Mr. Charles Harlow, 4375 Stoutamire Drive, S. W., a former City employee, advised that when he left the City's employment approximately two years ago, the document presently before the Council was ready to be submitted to Council; when comparing the previous Fair Housing ordinance to the present document, not a great many changes have been made, therefore, he questioned why it has taken two years to bring the ordinance to Council for consideration. He expressed concern that the public was not notified of the proposed changes in order to provide input prior to adoption of the measure by Council.

Ordinance No. 36635-030104 was adopted by the following vote:

AYES: Council Cutler, and Mayor Sn				
Cutier, and Mayor 311	11(11		 	/.
NAYS: None		 	 	0

#### CITY ATTORNEY:

VIRGINIA TRANSPORTATION MUSEUM: The City Attorney submitted a written report advising that the City of Roanoke has been requested to confirm that the Virginia Museum of Transportation, Inc., has the right to license to others, for commercial use, the likenesses of the 611 and 1218 steam locomotives, which are owned by the City but maintained by the Transportation Museum.

It was further advised that although the 611 was donated to the City many years ago, no records regarding the donation could be found; the 1218 was donated to the City in 2001 by the Shenandoah-Virginia Corporation, subject to a provision that the City would not sell, transfer or cancel its rights to the 1218 for a period of ten years after the date of donation; whereupon, the City Attorney advised that a measure has been prepared for consideration by Council which will accomplish the request of the Virginia Museum of Transportation.

Mr. Cutler offered the following resolution:

(#36636-030104) A RESOLUTION confirming that the Virginia Museum of Transportation, Inc., has the right to license to others for commercial use the likenesses of the 611 and 1218 Class A steam locomotives.

(For full text of Resolution, see Resolution Book No. 68.)

Mr. Cutler moved the adoption of Resolution No. 36636-030104. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES:	Council	Members	Dowe,	Fitzpatrick,	Harris,	Wyatt,	Bestpitch,
Cutler, and	Mayor Sm	ith					7.

NAYS: None-----0.

EASEMENTS-BRIDGES-HOSPITALS-LICENSES: The City Attorney submitted a written report advising that on June 16, 2003, Council approved a request of Carilion Health System for conveyance of certain City-owned property containing .017 acre, located on Hamilton Terrace, S. E., along with temporary construction easements and a revocable license, to allow encroachment into the right-of-way of Hamilton Terrace, S. E., in connection with construction of a pedestrian bridge over the Roanoke River.

It was further advised that Carilion Health System has requested that conveyance of the .017 acre on Hamilton Terrace, S. E., and the encroachment be done in the name of Carilion Medical Center; and in order to comply with the request, two measures are submitted to Council for consideration which change the name from Carilion Health Systems to Carilion Medical Center.

Mr. Harris offered the following ordinance:

(#36637-030104) AN ORDINANCE authorizing the City Manager to execute the necessary documents providing for conveyance of a .017 acre portion of City-owned property known as the utility lot identified as New Parcel C of Official Tax No. 4050101, located along Hamilton Terrace, S. E., and temporary construction easements to Carilion Medical Center ("CMC"), upon certain terms and conditions; repealing Ordinance No. 36406-061603, adopted on June 16, 2003, in order to change the name of the grantee; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Harris moved the adoption of Ordinance No. 36637-030104. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler, and Mayor Smith-----7.

NAYS: None-----0.

Mr. Dowe offered the following ordinance:

(#36638-030104) AN ORDINANCE granting a revocable license to permit the encroachment of a retaining wall, sidewalk and canopy, with all necessary appurtenances thereto, encroaching approximately .063 acre into the public right-of-way of Hamilton Terrace, S. E., upon certain terms and conditions; and repealing Ordinance No. 36407-061603, in order to provide for a change in the name of the Licensee; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36638-030104. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler, and Mayor Smith-----7.

NAYS: None-----0.

**CITY CLERK:** 

SCHOOLS: The City Clerk submitted a written report advising that on June 30, 2004, the three-year terms of office of Alvin L. Nash and Ruth C. Willson as Trustees of the Roanoke City School Board will expire; and pursuant to Chapter 9, Education, of the Code of the City of Roanoke (1979), as amended, establishing a procedure for the election of School Trustees, Council must hold certain meetings and take certain actions during the months of March, April and May to conform with the selection process; whereupon, the City Clerk requested the concurrence of Council in establishing the following dates:

- (1) On Monday, March 15, 2004, at 2:00 p.m., or as soon thereafter as the matter may be heard, Council as a Committee of the Whole, will review and consider all candidates for the position of School Trustee. At such meeting, Council shall review all applications filed for the position and Council may elect to interview candidates for such positions.
- (2) On Monday, April 5, 2004, at 2:00 p.m., or as soon thereafter as the matter may be heard, Council will, by public vote, select from the field of candidates, those candidates to be accorded the formal interview and all other candidates will be eliminated from the School Trustee selection process. The number of candidates to be granted the interview shall not exceed three times the number of positions available on the Roanoke City School Board, should there be so many candidates.
- (3) On Monday, April 19, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, Council will hold a public hearing to receive the views of citizens.

- (4) On Thursday, April 22, 2004, at 4:30 p.m., Council will hold a meeting for the purpose of conducting a public interview of candidates for the position of School Trustee.
- (5) On Monday, May 3, 2004, at 2:00 p.m., or as soon thereafter as the matter may be heard, Council will hold an election to fill the two vacancies, for terms commencing July 1, 2004, and ending June 30, 2007.
- Mr. Bestpitch moved that Council concur in the proposed dates. The motion was seconded by Mr. Dowe and unanimously adopted.

### **DIRECTOR OF FINANCE:**

AUDITS/FINANCIAL REPORTS: The Director of Finance submitted the Financial Report for the City of Roanoke for the month of January 2004.

There being no questions and without objection by Council, the Mayor advised that the Financial Report for the month of January 2004 would be received and filed.

REPORTS OF COMMITTEES: NONE.

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

CITY COUNCIL: Mr. Dowe offered the following resolution:

(#36639-030104) A RESOLUTION rescheduling the regular meeting of City Council scheduled to be held on Monday, May 17, 2004, to Thursday, May 20, 2004, at 2:00 p.m., and 7:00 p.m., and amending Resolution No. 36414 070703, which established the meeting schedule for the Fiscal Year commencing July 1, 2003, and terminating June 30, 2004.

(For full text of Resolution, see Resolution Book No. 68.)

Mr. Dowe moved the adoption of Resolution No. 36639-030104. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler, and Mayor Smith-----7.

NAYS: None-----0.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR, VICE-MAYOR AND MEMBERS OF CITY COUNCIL:

POLICE DEPARTMENT-FIRE DEPARTMENT-ACTS OF ACKNOWLEDGEMENT: Council Member Wyatt commended Roanoke City Firefighters and Police Officers who participated in a hockey game at the Roanoke Civic Center on Sunday, February 29, 2004, "Guns and Hoses", to raise money for the Muscular Dystrophy Association.

ACTS OF ACKNOWLEDGEMENT-SCHOOLS: Council Member Dowe called attention to recent publicity regarding the state of affairs in Roanoke's schools, and expressed a special note of appreciation to all educators who are a part of the Roanoke City Public School System.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard, and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

HOUSING/AUTHORITY-CITY EMPLOYEES: Mr. Robert Gravely, 729 Loudon Avenue, N. W., called attention to nine vacant houses in northwest Roanoke that are assessed in the range of \$80,000.00 – \$90,000.00 which is excessive for this area of the City, because most people living in a depressed neighborhood cannot afford to purchase a \$40,000.00 house, much less an \$80,000.00 to \$90,000.00 home. He advised that the cost of housing should be reduced so that the average City worker can afford to purchase a house. He stated that taxpayers' dollars have been used by the City to promote business interests, rather than to address the needs of Roanoke's poor and disadvantaged citizens who live on a fixed income in the inner City. He encouraged Council to improve Roanoke's neighborhoods, to help Roanoke's citizens by creating more jobs, and to employ City staff who care about people.

BRIDGES: Mr. E. Duane Howard, 508B Walnut Avenue, S. W., addressed a growing concern by citizens of Roanoke with regard to the First Street Bridge project. He referred to his Letter to the Editor which appeared in the December 9, 2000, edition of *The Roanoke Times* stating that, "These projects are making everyone rich except the citizens who can see the future and what we have without spending millions to get there. Let's hope through the process of osmosis that other Council Members will question the timing of this expenditure and its need." He stated that The Roanoke Times blames Roanoke's critics for dividing the City, but it is Council and the City administration that is dividing the City, because Roanoke's critics are bringing specific issues to light. He advised that the First Street Bridge has a significant history, there is a growing sentiment that the bridge is an historic landmark, and the public is not aware of plans to raze the present bridge and construct a new bridge. He questioned why the First Street Bridge cannot be left in its present condition to honor the memory of Dr. Martin Luther King, Ir., and to the glory of what the bridge represents in regard to various aspects of history.

Council Member Wyatt advised that the issue is not one of not wanting to save the First Street Bridge, but a safety issue inasmuch as a consultant engaged by the Dr. Martin Luther King, Jr. Memorial Committee has reported that the bridge is not safe for vehicular or pedestrian use. She stated that to raze the bridge and to reconstruct the structure in its present state would be financially astronomical and the technology to rebuild in its present condition may not exist today. She advised that portions of the First Street Bridge will be saved for posterity because of its significance to the community and the Dr. Martin Luther King, Jr. Memorial Committee will provide opportunities for public input.

Council Member Bestpitch concurred in the remarks of Ms. Wyatt and advised that the difference between iron and steel may not be easily recognized by the average person, but iron deteriorates in ways that steel does not, and the First Street Bridge will fall down of its own accord if something is not done. He stated that the proposed design of the new bridge will replicate as closely as possible the existing bridge, and once construction is complete, most persons will not be able to tell the difference.

## **CITY MANAGER COMMENTS:**

HOUSING/AUTHORITY: The City Manager expanded on the remarks of a previous speaker with regard to the need for fair housing education. She called attention to a number of announcements/advertisements that speak to the issue of fair housing, and advised that it is recognized at the State level that there is a need to educate citizens on the issue of fair housing, and it is hoped that these kinds of educational efforts will continue, both at the State and local level, by the Fair Housing Board.

EMERGENCY SERVICES-CLEAN VALLEY COUNCIL-ENVIRONMENTAL POLICY: The City Manager advised that earlier in the day, Council engaged in a discussion with regard to litter and the need for the City to become more aggressive in its litter enforcement. She pointed out that there is an opportunity for all citizens to become a part of cleaning up City streets and neighborhoods throughout the Roanoke Valley on Clean Valley Day, which will be observed on April 3. She encouraged all persons to do their part to clean up the City of Roanoke and the Roanoke Valley, and that citizens visit the City's web site which contains information on environmental and emergency management issues in order to learn more about litter prevention tips.

Council Member Bestpitch advised that the Roanoke Kiwanis Club will participate in a project to clean up a significant section of Jefferson Street and Reserve Avenue on Saturday, March 6, 2004, at 9:00 a.m.

The Mayor declared the Council meeting in recess until Friday, March 5, 2004, at 8:30 a.m., in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., for the Council's Financial Planning Session.

The Council meeting reconvened on Friday, March 5, 2004, at 8:30 a.m., in Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, for the Council's Financial Planning Session, with Mayor Ralph K. Smith presiding.

PRESENT: Council Members Alfred T. Dowe, Jr. (arrived late), Beverly T. Fitzpatrick, Jr., C. Nelson Harris, Linda F. Wyatt, William D. Bestpitch and Mayor Ralph K. Smith-----6.

OFFICERS/STAFF PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; Mary F. Parker, City Clerk; Drew A. Harmon, Municipal Auditor; Evelyn D. Powers, Treasurer; George C. Snead, Jr., Assistant City Manager for Operations; Rolanda B. Russell, Assistant City Manager for Community Development; Ann H. Shawver, Deputy Director of Finance; and Sherman M. Stovall, Acting Director, Management and Budget.

The Mayor relinquished the Chair to Vice-Mayor Harris, Chair, Budget and Planning Committee.

COUNCIL-BUDGET: The Chairman advised that each Member of Council was allocated \$3,000.00 and the Mayor was allocated \$4,000.00 in the fiscal year 2004 budget to be used for travel reimbursement; the City Clerk provides monthly updates to the Members of Council on the status of their accounts; some Members of Council have either exceeded, or are about to exceed, their budgeted allocations; whereupon, he requested input by the Mayor and Members of Council on how to address those instances when Council Members exceed their travel allotment.

It was noted by Council Member Bestpitch, past Chair of the Budget and Planning Committee, that when the procedure was initially established for fiscal year 2004, it was intended to begin each fiscal year with an established amount of funds, with the understanding that at the end of the fiscal year, if unspent funds remained in individual Council Member accounts, those funds could be transferred to the account of a Council Member who may need additional funds.

The City Manager advised that additional funds may be transferred from the City Manager's Contingency Account to the Council's budget, and the request could be made by the City Clerk on behalf of the Council.

Following discussion, the Chairman summarized that the consensus of the Council is that if an individual Member of Council needs additional funds for travel reimbursement, a request will be made through the City Clerk to the City Manager for transfer of funds from the City Manager's Contingency Account.

In setting the ground rules for the Financial Planning Session, the Chair requested that: (1) staff not read information on the power point slides; and (2) that Council Members allow City staff to complete their presentation on each power point slide before raising questions.

The City Manager advised that the Council's Financial Planning Session provides the opportunity for staff to share challenges as they prepare a proposed operating budget for the City of Roanoke for fiscal year 2005, which proposed budget will be formally presented to the Council in mid April, and an opportunity for staff to provide a financial forecast for the future. She called attention to background information which is included in an appendix to the work book for the Financial Planning Session. She commended the work of Sherman M. Stovall, Acting Director of Management and Budget.

Mr. Stovall advised that when staff shared the revenue/expenditure forecast with Council at the first meeting of the Budget and Planning Committee in November 2003, it was projected that the City's expenditures would exceed revenue by slightly more than \$4 million in fiscal year 2005, and it was also projected that the gap would grow slightly more than \$10 million by fiscal year 2007. He referred to the Council's Financial Planning Session which was held last year at which time it was suggested that the City would need to identify a new revenue source at the time that the second high school project gets underway; and as the budget development process was begun this year, a key assumption was that there would be no changes or increases in the City's current local tax rate.

Ms. Shawver referred to appendix pages at the back of the Financial Planning Session work book (Pages 20 – 29). She advised that as staff began the budget process this year, two revenues were identified that would affect multi year planning for fiscal year 2005, or the outer years, one of which is the revenue received in the City's General Fund for indirect services provided through the Water and Sewer Fund, which will begin to change on July 1, 2004, with creation of the Western Virginia Water Authority. She further advised that in making plans for creation of the Water Authority, certain cash balances will be retained by the City which were generated from Water and Sewer funds that will help to mitigate the revenue impact for the next approximately two years based on services that have been provided from City General Fund departments, and beginning in fiscal year 2008 there will be a revenue impact of the loss of \$.5 million and \$1.1 million in fiscal year 2009 to the City's General Fund which have been incorporated into the City's multi-year plan. She

called attention to a change in the State's methodology for jail per diems which has a \$700,000.00 impact for the City beginning in the current year and affects the outer years as well. With regard to Capital Planning, Phase II, Civic Center expansion, she stated that the City had planned to issue bonds this past fall for the Civic Center Phase II project, but at this point, it is hoped to issue bonds in the fall of 2004. She added that funding of approximately \$1,050,000.00 of annual debt service for the Civic Center facility would be coming from the stadium/amphitheater project, and approximately \$550,000.00 of annual debt service was to be generated from the stadium/amphitheater facility which should be kept in mind as the City moves forward with the knowledge of what may become of the stadium/amphitheater project. She advised that a key point to be considered is that by the time the City issues bonds for the second high school project, an additional stream of revenue will have to be identified to support debt service on the project.

At this point, Council Member Dowe entered the meeting (9:00 a.m.).

The City Manager advised that some payment will occur from the Western Virginia Water Authority to both Roanoke City and Roanoke County for those services and activities that were previously suggested that should be managed by the City and the County, rather than to create totally different activities, although the total amount is not significant in terms of balancing the budget; i.e.: payment for technical services to be provided by the City and use of the County's financial management system.

Ms. Shawver advised that key financial assumptions-multi-year revenue estimates are:

- Fiscal year 2005 real estate estimate developed using January 1, 2004 assessment data; and growth in future years is estimated at four to five per cent.
- Local tax estimates such as personal property and business license reflect very slight growth; as due dates on the taxes arise, staff will re-evaluate fiscal year 2005 projections; and the annual growth of two to three per cent is projected in development of future years' estimates.
- Other local tax estimates are based on recent trends; prepared food tax and transient room tax indicate promising growth trends of approximately five per cent in the current year.

- Permits and fees increase in fiscal year 2005 based on current year growth.
- Revenues from the Commonwealth of Virginia in fiscal year 2005 are based on current information from the State; no growth is anticipated in future years; current projections include growth in HB599 of \$426,000.00; and State estimates will be closely monitored in the upcoming weeks.
- An annual review of charges for services enables adjustments to be made where appropriate; and an average growth of two per cent is assumed.

Ms. Shawver advised that included in the appendix is the actual numerical data for fiscal years 2005 - 2008. She stated that growth of approximately two per cent occurs in most of the years, and for 2005, growth is about three and one-half per cent and two to two and one-half per cent in the outer years.

Mr. Stovall spoke to the expenditure side of fiscal year 2005 budget development, and reviewed the following priority funding needs for fiscal year 2005:

- Continued sharing of local tax revenues with the Roanoke City Public Schools based on the current formula of 36.42 per cent of local taxes.
- Increased contribution rate for the Employees Retirement System (7.59 per cent to 9.56 per cent \$ 1 million.
- Increased contribution rate for Sheriff/Jail employees in the Virginia Retirement System (11 per cent to 16.46 per cent) \$421,000.00.
- Increased cost of employee health insurance \$392,000.00 subsequent annual increases.
- Increased local operating expense for new Health and Human Services Building \$252,000.00.
- Increased operating expense for the Regional SPCA \$158,000.00.
- Continue progress in providing competitive employee compensation.

There was discussion in regard to the duties and responsibilities of the City's Billings and Collections Department, which include management of the City's accounts receivable, lease fees, inspection fees, building fees, and administration of local taxes, such as admissions tax, transient room occupancy tax, and franchise tax, etc. The Director of Finance advised that 13 staff persons oversee the billings and collections function for water and sewer collection and ten staff persons administer all other functions performed by the department.

Upon question, the City Manager advised that last year, the City Treasurer requested and the Council authorized, a locally funded position to assist in the collection of delinquent taxes prior to officially transferring a delinquent account to the Billings and Collections Department, the goal of which was to reduce the volume of delinquencies that were transferred to the Department of Billings and Collections.

Council Member Wyatt expressed concern that there may be a duplication of services between the City Treasurer's Office and the Billings and Collections Department, and asked that the matter be reviewed to determine if any cost savings would occur due to consolidation of certain services.

Mr. Stovall addressed employee compensation which is approximately 40 per cent of the total City budget, or approximately \$64 million, and the benefits component which includes the retirement plan, ICMA, health insurance, and life insurance totaling approximately \$17 million. He advised that the total cost is \$10.7 million (City share – \$6.5 million, employee share – \$1.5 million, and Health Insurance Reserve – \$2.7 million); the City's share/contribution is based on approximately 85 per cent of the cost for a single subscriber (employee only coverage); and plan design and coverage is similar to other local governments in the Roanoke Valley.

He called attention to a request by some City employees that the City consider increasing its level of funding for family health insurance coverage. He stated that the request will present a challenge and will be reviewed over the next several months.

The City Manager advised that it would be helpful to receive input from Council in regard to the City's current practice of funding for employee health care. She stated that currently, the role of the City is to ensure that employee health care is covered to the maximum extent possible, and the City has not moved toward covering a greater proportion of participation in family coverage, or other coverages that are available through the City's health plan. She explained that the majority of City employees are registered under the single employee category due to their personal preference or because that is the coverage they can afford; and as City staff reviewed the benefits structure between Roanoke City and Roanoke County in regard to creation of the Western Virginia Water Authority, it was discovered that the City of Roanoke has a competitive health care package and provides numerous benefits for City employees that are not provided for County employees.

She advised that the bond rating agencies that visited the City in November, 2003 were impressed that the City's increased health insurance rates have remained in the single digits because they have observed double digit increases across the country, sometimes as high as 2.5 per cent in a single year, and bond rating agency representatives requested that the City provide background information on how it has managed health care costs. She stated that a significant element that has helped the City to hold down health care costs has been implementation of the Occupational Health Program, which has recently been supplemented to include a full time nurse practitioner, in addition to a part-time physician.

The Mayor advised that it may be appropriate to request input from City employees as to whether they would prefer to compromise in one area to gain a benefit in another area. He inquired if there has been a comparison of the City's cost of employee compensation with cities of comparable size to Roanoke.

The City Manager responded that the City engages in an annual survey of salaries for the majority of job classifications within the organization, which would indicate that the City of Roanoke is falling behind in regard to employee compensation.

The Mayor clarified that he was referring to a comparison with other comparable size cities in terms of the percentage of the overall fiscal year budget which is applied to employee compensation; whereupon, Mr. Stovall advised that the information would be forthcoming within one week.

The Mayor also requested a comparison of retirement/jail costs and the cost of operating the Sheriff's Department, as compared to comparable size cities in the State of Virginia within one week.

Council Member Fitzpatrick advised that in looking to the future, it will be important to share the load with regard to employee benefits, particularly health care; therefore, the City should, as much as possible, continue to provide employee coverage and allow the employee to address family coverage.

Council Member Wyatt expressed concern that the wages of many City employees are at the bottom tier of employment and they cannot afford health care insurance for their family. She inquired as to how many families of City employees receive health care through the Social Services Department, or the Health Department, and how many City employees are absent from work due to sick children which equals hidden costs to the City. She stated that the City might be better off by supplementing the family health care plan in some way.

Ms. Wyatt advised that Anthem Blue Cross/Blue Shield offers a health care plan for the employee, plus a minor child, and the Roanoke City Public School system offers a level of coverage that includes the employee and spouse, which is less expensive than the family plan for those subscribers who do not have children, or for those who are beyond the child bearing years. In those instances where the City employee is enrolled in the single employee health care plan and their spouse is covered by another insurance plan, she inquired if the City employee's contribution to the single employee health care plan could be applied toward the family plan of the spouse that is covered by another plan, which would not affect the dollar amount paid by the City. She stated that another concern of City employees is the high cost of prescription medicine and asked that City staff review methods to curtail prescription costs.

In the interest of time, the City Manager advised that she would prepare a written response to the Council in regard to the ideas that were referenced by Ms. Wyatt inasmuch as City staff has previously reviewed some of the suggestions.

Council Member Dowe spoke to the importance of taking care of existing employees, but also of importance is the attraction of the employment package in terms of recruiting new employees. He inquired as to whether potential job applicants have provided any input with regard to fringe benefits offered by the City.

The City Manager responded that at the mid management and department head level, the City's total employment package has not been evaluated as being deficient, and the biggest challenge for mid management and above is the actual salary; and some time ago Council approved portability within Virginia which has helped to attract persons who are already vested in another private retirement system, or VRS, which enables them to move their benefits without difficulty. She advised that everyone is concerned about the rising cost of health care which affects people with less income more than those persons at the middle or above income level; the City has a very competitive health insurance package when compared to other jurisdictions; and the cost of health care on an annual basis is out stripping any kind of annual compensation increase and has long since surpassed inflation on an annual basis.

Council Member Bestpitch advised that all City employees are offered \$275.00 per month to be used toward health insurance; however, employees in the lower tiers are experiencing a greater impact than those employees at the higher level. He inquired if the Council would be willing to consider a kind of graduated system to provide that at some point an employee below a certain level in the salary scale would receive greater than \$275.00 per month.

The Mayor encouraged the City to be as flexible in the variation of its health care plan as possible, and for future years, he spoke to the merits of mirrowing the action taken by the private sector for its employees. He expressed concern with regard to paying an entry level City employee a higher amount of dollars for health care insurance coverage than other City employees.

Vice-Mayor Harris advised that when City employees are treated differently, problems are created and an edge of competitiveness exists; and the fact that the City offers an occupational health care program demonstrates that the City is trying to provide an opportunity for employees to mitigate health costs.

Mr. Stovall advised that the total cost of the pension plan is \$4.9 million (\$4.1 million - City retirement and \$.8 million State retirement); and the City's pension plan is competitive when compared to other jurisdictions and the State.

Mr. Bestpitch expressed concern with regard to recent news that responsibility for the State Retirement System could fall to the localities for funding, therefore, the issue should be considered in future budget projections.

The City Manager advised that currently and for a number of years the City has funded the school system by sharing in local revenue growth at a specific percentage and if, in fact, the State does not meet its fair share, it will be necessary for the City to review the funding formula. She stated that the school system advises that fiscal year 2005 will most likely be one of the best years for the schools in terms of State revenue growth, and during the past several years the City has made the lion's share of the net increase available to the schools.

Ms. Wyatt advised that for some time retired teachers have worked to obtain a State stipend of \$75.00 to be used toward the cost of health insurance, provided that the locality will fund an additional \$30.00, which amounts to approximately \$213,000.00 from the City of Roanoke. She inquired as to the feasibility of the City funding one half of the cost and the schools funding the other one half, and advised that she has requested that the item be included on the April 5, 2004, joint meeting of Council and the Roanoke City School Board.

The City Manager advised that Council has discussed the request of retired teachers in the past and Council has indicated a level of support, but Council has also indicated that the request should be made by the School Board inasmuch as the Council cannot dictate to the School Board how to spend its annual allocation of funds. She added that the School Board has not indicated a desire, or made a request for additional funding from the City, which would place Council in a position to respond, and in discussing the issue with a representative of the retired teachers group, she advised that the Council needs to hear from the School Board before attempting to address the matter.

Following discussion, it was the consensus of Council that the item would be included on the April 4, 2004, joint meeting of Council and the Roanoke City School Board.

At this point, Vice-Mayor Harris left the meeting and the Mayor presided (10:05 a.m.).

Mr. Stovall advised that other priority funding needs for fiscal year 2005 to 2007 are:

- Council's priority to budget recurring funding in the operating budget for equipment replacement, building maintenance, paving and technology needs.
- Equipment Replacement:

Funding goal - \$2.5 million by fiscal year 2007 \$150,000.00 increase in fiscal year 2005 to \$1,650,000.00 Supplemented with anticipated revenue from sale of surplus vehicles using E-surplus

Capital Maintenance of Buildings:

Funding goal - \$750,000.00 by fiscal year 2007 \$100,000.00 increase in fiscal year 2005 to \$550,000.00

Paving program:

Funding goal – \$2.5 million by fiscal year 2007 \$323,969.00 increase in fiscal year 2005 to \$2,398,952.00

Technology - Financial Systems Replacement Project:
 Funding goal - \$1.0 million by fiscal year 2007
 \$165,000.00 increase in fiscal year 2005 to \$676,247.00

The City Manager advised that the above referenced targets are the result of the Council's direction to reduce reliance on CMERP at the end of the year funding, and to place the necessary items in the ongoing budget so as to address issues in a planned way and not be dependent upon using year end funds leading to performance of better service. She stated that there will continue to be some CMERP for those one time, non recurring items such as the Grandin Theater, Dumas Center, etc., but the goal is to discontinue the use of CMERP funds for those items that should be a part of the regular operating budget.

Mr. Stovall reviewed the use of revenue growth over the past three years:

- Local share of funding for the schools \$5 million
- Employee compensation and benefits \$6 million
- Additional debt capacity for capital projects \$1.7 million
- Technology, capital maintenance of buildings, fleet replacement \$2 million
- Tipping fees for Solid Waste Management program \$200,000.00
- Weed and trash abatement \$115,000.00
- Code enforcement \$138,000.00
- Social Service programs \$500,000.00 (reimbursed by the State)
- Youth programs \$150,000.00
- Community Service Agencies \$300,000.00
- Tourism marketing (Roanoke Valley Convention and Visitors Bureau) \$288,000.00

The City Manager advised that it is important to point out that employee compensation of \$6 million and the sharing of local funding with the schools at \$5 million have been the City's largest areas for increase over the past several years, all of which demonstrate that Council is placing City funds in the highest priorities.

Mr. Stovall reviewed the amount of funding provided to human and cultural service agencies in the fiscal year 2004 budget:

- Center in the Square \$200,000.00
- Roanoke Arts Commission (Cultural Services) \$322,482.00\*
- Human Services Committee \$540,149.00\*
- Blue Ridge Behavioral Health \$417,617.00\*
- Virginia Cooperative Extension \$68,989.00\*
- Total Action Against Poverty \$224,742.00\*

Total - \$1,773,979.00

\*In past years, the allocation has increased based on the percentage increase of the General Fund budget.

Mr. Stovall advised that over the last four years, as City departments have experienced budget reductions, human and cultural service agencies have been held harmless, and funds allocated to the Roanoke Arts Commission, Human Services Committee, Blue Ridge Behavioral Health Care, Virginia Cooperative Extension and Total Action Against Poverty have increased based on the percentage of growth of the City's General Fund budget.

The City Manager advised that the question is: as operating budgets and other activities of various City departments are being reduced to fund City activities, should certain outside organizations also be asked to bear some of the impact. She stated that the opposite has been happening inasmuch as the budgets of outside organizations have been growing at the rate that the overall operating budget has increased, as opposed to submitting the impact of a five per cent budget reduction. She requested input from Council as to whether the practice as it relates to outside organizations should be modified.

The City Manager was asked to provide a recommendation; whereupon, she proposed that individual requests of organizations be reviewed and that such organizations be required to justify their current allocation of funds as to effectiveness and demand for service, etc., rather than automatically increasing a request for funds, with the exception of the Roanoke Arts Commission and the Human Services Committee, both of which are charged with the responsibility of evaluating and submitting recommendations on applications for funding.

Question was raised as to whether the City has a statutory obligation to fund Blue Ridge Behavioral Health Care; whereupon, the City Manager advised that she was not aware of a minimum amount of required funding, but she would confer with the appropriate officials and advise Council accordingly.

Question was raised as to why the City administration has instructed City departments that are currently operating at a minimal level to review the impact of another five per cent reduction in their budgets when the overall General Fund budget is growing by only three and one-half per cent.

The City Manager responded that the City does not have a true three and one-half per cent revenue growth; 36.42 per cent of all local revenue growth is immediately taken off the top and passed over to the schools; when adding the City's costs to do business, it will involve more than the amount that is generated by the three and one-half per cent to meet all expenses, therefore, in order to meet expenses and to provide for various elements that have been requested, it is necessary to reduce expenses in one area in order to make up for increased costs in another area.

Mr. Stovall added that based on the funding formula for the schools, the schools would receive approximately \$2.3 million of the \$7.2 million in revenue growth, \$1 million of anticipated revenue increase is associated with social service programs and additional revenues from the Commonwealth of Virginia, therefore, the discretionary revenue increase available to the City would total approximately \$3.7 million.

Mr. Bestpitch made the observation that the City should look at real growth in the City's local revenues and provide for increases based on that percentage.

The City Manager advised that when the State provided its fair share of funding, it was easier for the City to pass on these same kinds of percentages, but over the last four years, the State has rapidly withdrawn its support, but at the same time, the City has tried to maintain fairly progressive policies relative to outside agencies and organizations. She stated that the question is: can the City afford, not just financially, but philosophically and otherwise, to grow some budgets at the sacrifice to others within the City organization.

Mr. Bestpitch requested that Council be provided with additional calculations during fiscal year 2005 budget study as to the City's true growth percentage that should be passed on to outside agencies and organizations.

Mr. Stovall reported that true growth revenue would be somewhere between one and two per cent.

The City Manager advised that staff is required by law to provide Council balanced budget; the initial budget is the City Manager's recommendation which includes a series of proposals; each year Council has the opportunity to review the proposals and make changes, but if Council believes that the City's financial situation is such that it should not continue a policy in the proposed 2005 fiscal year budget to grow the budgets of community service agencies automatically by the percentage of the increase of the overall budget, City staff would prefer to have that direction from Council at this time so that the direction of Council can be incorporated into the overall fiscal year 2005 budget proposal. She added that the procedure would allow Council an opportunity, through the public hearing process, to make a different decision if an agency provides sufficient justification for additional funds. She stated that it is important for Council to understand the foundation on which some of the funding elements are built, because fiscal year 2005 will be a challenging budget, with a number of unknown issues that will need to be addressed.

There was discussion in regard to the percentage of reductions that City departments have been instructed to absorb over the past four years; whereupon, Mr. Stovall advised that in the aggregate, City departments have taken reductions of approximately 11.5 per cent and at the time that the balanced budget was submitted to Council, funding was restored for certain programs that were initially reduced.

The City Manager responded that reduction percentages correspond closely to the kinds of impact that the City has experienced in State reductions.

Mr. Stovall was asked to provide the actual percentage of discretionary funds; whereupon, he reported that the actual amount is 1.8 per cent.

The Mayor inquired if the City Manager had sufficient guidance from the Council; whereupon, she summarized that her interpretation of the discussion by Council is that City staff is not expected to adhere to the current practice of holding human and cultural service agencies harmless, City staff may use its discretion in submitting recommendations to the Council that are appropriate, while allowing the Council full discretion in addressing the recommended budget and to request that staff make adjustments as necessary.

Mr. Stovall reviewed the following capital projects that require funding via issuance of bonds or cash funding:

- Art Museum/IMAX Theater
- Police Building, Phase II
- Fire-EMS facilities
- Riverside Centre for Research and Technology
- Patrick Henry High School Improvements
- William Fleming High School Improvements
- Multi-Purpose Recreation Center
- Roanoke River Flood Reduction
- Civic Center Improvements Phase II
- Downtown West Parking Garages

Question was raised as to the status of funding for the Art Museum/IMAX Theater project; whereupon, Mr. Stovall stated that the Executive Director advises that the plan is to abide by the existing schedule which provides that construction will begin in fiscal year 2005, however, he did not receive specific information with regard to the status of fund raising.

The City Manager advised that she would discuss the matter with the Executive Director of the Art Museum because if the construction schedule takes place in the latter part of 2005, funding would fall into a subsequent fiscal year. She stated that the City should honor its commitment, but when to sell bonds is predicated on when construction begins, therefore, if the Art Museum were to complete its fund raising, Council could accelerate its commitment by taking an official action. Until she confers with the Executive Director of the Art Museum, the City Manager advised that the Art Museum/IMAX Theater project should remain on the capital projects list.

Mr. Stovall reviewed the following current approved capital projects that require funding via issuance of bonds or cash funding:

- Public Works Service Center
- Municipal North Renovation
- Grandin Theater
- Dumas Center
- Roanoke River Greenway
- YMCA

He advised that funding of the Public Works Service Center and renovations for Municipal North are anticipated to be funded from excess debt capacity in fiscal year 2005; the City has a contractual obligation to contribute to the Grandin Theater and the Dumas Center which will be funded from CMERP; the City has a commitment of \$2 million for the Roanoke River Greenway and the YMCA over ten years and both items will be funded from capital fund interest earnings.

An observation was made that approximately \$200,000.00 is included in T-21 enhancement funds to the Roanoke River Greenway project which is pending, in order to "piggyback" the flood reduction project and Federal funding; whereupon, Mr. Stovall advised that he would check on the status of funds with the Executive Director of the Roanoke Valley Greenway Commission.

Upon question by the Mayor, the City Manager responded that the \$200,000.00 per year for ten years was intended for strictly greenway development, and the funds were included in the budget three to four years ago in an effort to demonstrate the City's ongoing commitment to greenways. She stated that there is another greenway allocation of approximately \$5 million for the Roanoke River that has to do with the actual Roanoke River Flood Reduction project and the direct efforts of Congressman Bob Goodlatte for inclusion of the greenway, however, the funds were included in a budget that will not go forward this year because Congress has decided that the Roanoke River Flood Reduction program will not advance during this calendar year. Therefore, she stated that the City can successfully move that \$5 million out for

several years. She advised that the funds should be generic money for any and all greenway development and it may be necessary to request that Council take official action to revise certain documents so as to ensure that the funds are not specific to any one specific river.

Mr. Stovall reviewed the following potential new capital projects:

- Dumas Center/Harrison Museum \$400,000.00
- Streetscapes and Traffic Calming \$250,000.00
   (Per Year) Beginning in fiscal year 2006 fiscal year 2011
- Library facility
   Planning study to be conducted
- Courthouse Renovation

He advised that if Council wishes to move forward with projects that are currently approved, it is suggested that bond issues be staged in the following manner:

- Fiscal year 2004-05 \$58,201,000.00
   Art Museum/IMAX Theater \$3,700,000.00
   Project is anticipated to move forward as planned (may be pushed out a few more years)
- Police Building Phase II ~ \$6,670,000.00
- Fire-EMS Facilities \$4,431,000.00
   Debt service funded from EMS fees
- Riverside Centre for Research and Technology \$5,400,000.00
   Initially planned for fiscal year 2006-07 (moved forward as a result of possible acquisition of the Mennell property)
- Patrick Henry High School Improvements \$38,000,000.00
  Revised cost estimate of \$46.7 million
  School Board will meet with Council on March 15
  Plan to begin the project in June 2004 as scheduled
  Extend time line for completion to three years

Mr. Stovall advised that planned Enterprise Fund bond issues include:

- Fiscal year 2004-05 \$18,010,000.00
   Civic Center Improvements Phase II \$14,410,000.00
   Initially planned for fiscal year 2003-04
   Debt service partially funded (\$553,000.00) from admissions tax revenue, facility surcharge revenue, and increased net revenues from additional events held at the stadium/amphitheater
- Downtown West (Campbell and Salem) Parking Garage \$3,600,000.00
   Initially planned for fiscal year 2005-06
   Funded from parking fees

A statement was made that in essence approximately \$500,000.00 has been given up in revenue that was anticipated from the stadium/amphitheater project to service the debt for Civic Center Phase II improvements; therefore, how will the \$500,000.00 be raised since the stadium/amphitheater project is on hold until the new Council takes office on July 1, 2004.

The Director of Finance advised that the Civic Center Phase II project was predicated on the development of a stadium/amphitheater, or operational part of the new stadium/amphitheater; however, with the stadium/amphitheater project currently on hold, funding sources will need to be identified if the decision is made to proceed with the Civic Center Phase II project, or the Civic Center project will be placed on hold until a decision is made on the stadium/amphitheater issue.

The City Manager called attention to a third alternative which is to modify improvements to a level commensurate with available funding for Civic Center Phase II improvements. She stated that the past practice of the City with regard to the Civic Center has been to provide an annual subsidy to the facility that has remained fixed for a significant number of years, with the understanding that the Civic Center will fund all of its expenses and any minor or major capital improvements from the funds. She added that it will be necessary to look at planned improvements, estimated cost and, current revenues for the Civic Center to determine what can be afforded within the current policy. She advised that the decision of Council to hold in abeyance the stadium/amphitheater project is relatively recent and City staff has not had an opportunity to engage in a total evaluation, and City staff would not submit a project to Council that does not have adequate revenues to support debt service.

Council Member Bestpitch made the observation that Council cannot ignore the fact that it voted to give up \$500,000.00 in revenue, therefore, some other funding source will have to be identified if the Civic Center project is to continue to the point where the City will recognize additional revenues in the future. He stated that a good business plan does not include scaling back on the project and constructing only what the City can afford, and thereby giving up the opportunity to generate additional revenues in the future.

Council Member Fitzpatrick advised that if the City does not currently have the resources to complete Phase II of Civic Center Improvements, he would prefer to wait and do the project right, rather than a scaled down version at this time. He stated that the project represents an economic investment for the taxpayers of the City of Roanoke that will provide a rate of return on their money.

Council Member Wyatt advised that to delay Phase II Civic Center Improvements is self defeating; and if the City cannot afford Phase II in its entirety, staff should review funding to complete at least one of the Exhibit Halls and the kitchen area in order to begin to generate sufficient revenue to address some of the other needs. She stated that completion of one of the Exhibit Halls will free up days in the Coliseum for concerts and sporting events.

The City Manager advised that her personal belief is that the City should proceed with improvements to the facility for a number of reasons: the City should move away from the practice of fixing a subsidy for the Civic Center and challenge the Civic Center to come up with a recommendation on how much it can afford and then look to the City's General Fund to assist in making up the necessary difference so that the entire project can move forward inasmuch as it has significant revenue implications for the City of Roanoke. attention to long standing activities and events that have been held at the Civic Center in past years, and representatives of those events have stated that they will not come back to Roanoke if significant improvements are not made to the Civic Center. She added that currently, significant events are turned away because the Civic Center does not have sufficient room for the activity which is sometimes required to spill over into the Exhibit Hall or the Coliseum. advised that the Civic Center has significant revenue generating potential, and the City's initial estimates were conservative in terms of revenue, both for the Civic Center and the stadium/amphitheater. She requested the opportunity to further review the project and to submit a recommendation to Council that could involve the City providing approximately a \$200,000.00 subsidy.

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The Mayor expressed concern over the inference that because the stadium/amphitheater project is on hold, there will not be sufficient revenue for Civic Center Phase II improvements. He stated that the \$18 million that was identified for the stadium/amphitheater project has not been spent and is currently generating interest earnings on the bond money.

The Director of Finance advised that the bonds that were issued have an interest rate of approximately four and one half per cent and the City is earning approximately two per cent or less on unspent bond funds.

The Mayor advised that when remarks are made that Victory Stadium has never been profitable, it should also be noted that no one has ever projected that the Civic Center and the new stadium/amphitheater on their own would be profitable. He stated that no one who has advocated the renovation of Victory Stadium has said that the facility will be profitable.

The City Manager explained that as the Civic Center project was prepared, City staff presented a plan for financing of the debt of approximately \$15 million for Civic Center expansion, and, because of the way the City finances the Civic Center, the recommendation showed numbers both for increased revenues at the Civic Center itself through expansion improvements, as well as the facility surcharge and the admissions tax. She added that there is a differential on the admissions tax for the Civic Center facility to help fund improvements and there was an expectation of revenues from the stadium/amphitheater project, primarily based upon the amphitheater component of the facility, which revenues were applied to financing the debt service. She pointed out that a portion of debt service revenues that were to come from the stadium/amphitheater are not currently available based upon the Council's policy to hold the project in abeyance, therefore, it will be necessary to make adjustments and staff is requesting direction from Council on how the adjustments should be made. She reiterated that there are multiple ways to address the issue; i.e.: (1) to place the project on hold, (2) to reduce the size of the project, or (3) to give City staff direction to look for a combination of facility revenues, such as Civic Center revenues, admissions tax revenues and General Fund revenues in order for Civic Center Phase II Improvements to continue at the described level.

Mr. Fitzpatrick suggested that the City Manager consider the Private Build option. He stated that there is a significant difference between the Victory Stadium situation and revenue for the Civic Center; and the Civic Center does not lose money, but creates a revenue stream as a result of those people who visit the facility, spend the night in the City, eat in the City's restaurants, and shop in the City's stores. He advised that it is the charge of Council to create investments that provide returns for the City and maintain the City's tax base, and if Civic Center improvements do not proceed, the City will experience a significant loss of potential revenue.

Mr. Bestpitch advised that based on prior information provided by the City Manager to Council, the projections on operating profitability of the stadium/amphitheater project were very conservative showing the minimum number of events that would be required at the stadium/amphitheater on an annual basis for the facility to operate in the black; i.e.: projections provided to Council included five events per year, however, the real number is most likely in the range of five to ten events annually. He added that if the City hosts a larger number of events each year, the City is not only giving up \$550,000.00, but the added revenue from any additional events that most likely would have come to the facility. He advised that to pretend that no budgetary implications will occur and that citizens will be saving money by not making this investment in the future is not substantiated by the information that was previously presented to the Council, in writing, by the City Manager.

The Mayor advised that the consensus of Council is that the City Manager be directed to proceed with Civic Center Phase II Improvements, with a follow up report to the Council.

Mr. Stovall advised that General Fund supported planned bond issues include:

• Fiscal year 2007-08 - \$56,000,000.00

Multipurpose Recreation Center - \$7,000,000.00 Initially planned for fiscal year 2004-05

Roanoke River Flood Reduction - \$5,000,000.00 Initially planned for fiscal year 2006-07

Fire-EMS Facilities - \$4,000,000.00 Initially planned for fiscal year 2006-07 Debt service funded from EMS fees

William Fleming High School Improvement - \$40,000,000.00 Initially planned for fiscal year 2006-07.

With regard to William Fleming High School improvements, Ms. Wyatt advised that the cost was initially \$38 million, and inquired at what point did the construction project increase to \$40 million.

The City Manager responded that at the time the schools updated the \$35 million to \$38 million for construction of Patrick Henry High School, a decision was made to add an additional \$3 million for the William Fleming project, thus bringing the project to \$40 million, the idea being that construction costs for William Fleming High School will be more several years out.

Council Member Wyatt expressed concern about the process which did not allow for input by Council, yet the City is expected to fund its share of total costs. She stated that schools should be provided that are equipped to take Roanoke's students into the future, but it may not be necessary to include the kinds of amenities that are proposed by the school system, especially given the fact that construction costs continue to multiply.

The City Manager advised that while the discussion at the joint meeting of Council and the School Board on Monday, March 15, 2004, is intended to address improvements to Patrick Henry High School, it would also provide an opportunity for Council to discuss the William Fleming High School project.

Ms. Wyatt advised that originally Council committed to fund one-half of the cost of high school improvements; however, it appears that Council has no control over what its one-half will be, therefore, it may be necessary to advise the School Board that Council will contribute a certain number of dollars and anything over a specific dollar amount should be funded by the school system.

The Mayor proposed that Council honor its word insofar as what the City committed to fund when the cost of construction was \$35 million and the City committed to fund one-half of the cost.

The City Manager advised that the City has yet to identify a funding source for construction of William Fleming High School and several options are available, such as an increase in an existing fee, imposition of a new fee, a tax rate increase, etc.

At this point, Chairman Harris returned to the meeting and presided over the remainder of the session.

Mr. Stovall advised that planned Enterprise Fund bond issues include:

 Fiscal year 2007-08 - \$3,600,000.00
 Downtown West (Jefferson Center Area) Parking Garage \$3,600,000.00
 Initially planned for fiscal year 2005-06
 Funded from parking fees

#### Future

Storm Water Management Program - \$11,000,000.00 Funded from a proposed user fee

The City Manager advised that some of the numbers are preliminary and the City should do a better job of planning projects so that when the project is closer to the actual construction phase, a more accurate number is available with regard to total construction cost. She called attention to the need to split projections to provide for the planning phase before Council actually commits to a specific amount of money for construction, which also provides an opportunity to modify plans prior to construction, if necessary.

Ms. Shawver reviewed outstanding debt as of March 1, 2004:

City General Obligation Bonds	\$111,729,375.00

### **Enterprise Fund Debt:**

General Obligation Bonds:	
Water Fund	\$ 20,565,000.00
Water Pollution Control Fund	15,080,000.00
Civic Center Fund	2,045,000.00
Parking Fund	6,846,945.00
Virginia Resource Authority Loan	
Water Pollution Control Fund	17,511,051.00
Total Enterprise Fund Debt	61,687,996.00

Capital Expenses	2,013,737.00
School General Obligation Bonds	24,843,610.00
Qualified Zone Academy Bonds (QZAB)	1,564,252.00
Virginia Public School Authority (VPSA)	
Bonds	34,047,080.00
Literary Fund Loans	5,974,000.00
Total Schools	66,428,942.00
Section 108 Loan	3,825,000.00
Total Debt as of March 1, 2004	245,685,050.00

Less: Enterprise Fund Debt (61,687,996.00) Less: Section 108 Loan (3,825,000.00) Outstanding Tax Supported Debt \$180,172,054.00

Ms. Shawver advised that assumptions on debt and funding of debt service are:

The City has traditionally funded debt service on General Obligation Bonds, Water or City or School projects.

The Schools have traditionally funded debt service on VPSA Bonds and Literary Fund Loans.

Capital Leases are considered tax supported debt of the City and are typically funded by the General Fund.

In analyzing the tax burden, all such debt is considered tax supported debt of Roanoke due to vesting of taxing authority in the City.

Generally, debt of Proprietary Funds (Water, Water Pollution Control, Civic Facility, Parking) is considered self-supporting and excluded from debt burden calculations.

General Obligation and Virginia Public School Authority bonds were amortized using level principal and an interest rate of six per cent.

Literary Loans were amortized at an interest rate of three per cent.

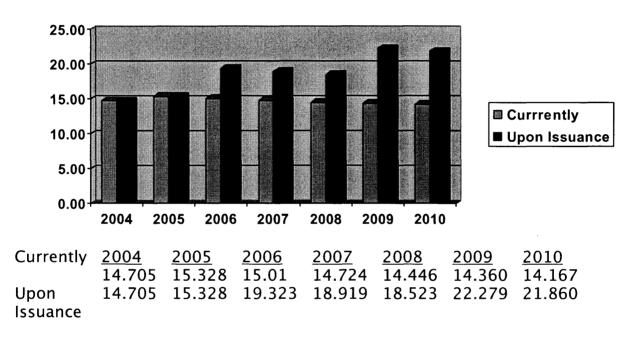
All debt amortized over 20 years.

Funding for debt service increases based on the following assumptions:

Increased funding of debt service of an additional \$370,000.00 per year through fiscal year 2009. Dedication to debt service funding of incremental increases in EMS fees through fiscal year 2007.

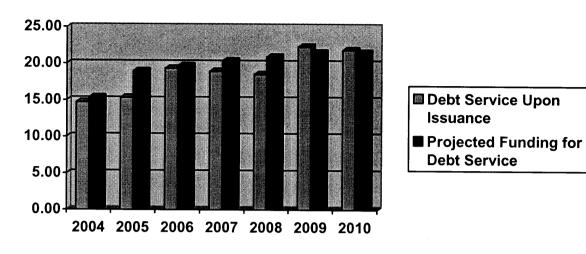
Ms. Shawver reviewed the following charts:

Current and Future General Fund Debt Service



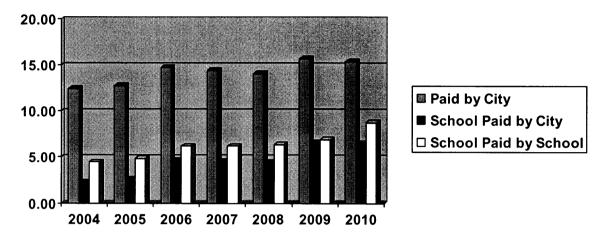
Includes all debt funded by the General Fund (City, School, Leases).

Future General Fund Debt Service and Projected Funding for Debt Service



Debt Service Upon Issuance	2004 14.705	2005 15.328	<u>2006</u> 19.323	2007 18.919	2008 18.523	<u>2009</u> 22.279	2010 21.860
Projected Funding for Debt Service	15.343	18.982	19.689	20.350	20.920	21.490	21.490

# Future City and School Debt Service



by City	Paid	12.432	12.789	14.686	14.364	14.038	2009 15.667 6.612	15.394
School by Scho		4.462	4.837	6.208	6.216	6.379	6.918	8.747

She advised that debt policies are:

- Non-proprietary general obligation debt service will not exceed ten per cent of General Fund expenditures.
- Net bonded debt will not exceed five per cent to the assessed value of real estate Net Bonded Debt is general obligation debt for the City and the School Board, exclusive of Enterprise Fund debt and the amount available in the Debt Service Fund.
- Tax-supported debt will be structured such that not less than 50 per cent of aggregate outstanding debt will be retired within ten years.

Note: Ratios that follow include all non-Enterprise Fund debt - GO Bonds, VPSA, Literary Loans, QZAB and Capital Leases

Ratio of Debt Service to General and School Fund Expenditures (10%)

	City Projects	School Projects	<u>Overall</u>
FY 2001	4.2%	2.4%	6.6%
FY 2002	4.1%	2.3%	6.4%
FY 2003	5.9%	3.0%	8.8%
FY 2004	4.7%	2.5%	7.2%
FY 2005	4.6%	2.7%	7.3%
FY 2006	5.1%	3.8%	8.9%
FY 2007	4.8%	3.6%	8.4%
FY 2008	4.6%	3.5%	8.0%
FY 2009	4.9%	4.2%	9.0%
FY 2010	4.6%	4.5%	9.1%

Note: Assumes annual expenditure growth of 4%.

# Ratio of Net Bonded Debt to Assessed Value of Real Estate (5%)

	City Projects	School Projects	<u>Overall</u>
FY 2001	2.0%	1.6%	3.6%
FY 2002	2.8%	1.7%	4.5%
FY 2003	2.1%	1.5%	3.6%
FY 2004	2.4%	1.6%	3.7%
FY 2005	2.1%	2.3%	4.5%
FY 2006	2.2%	2.2%	4.2%
FY 2007	2.0%	2.1%	3.8%
FY 2008	1.7%	2.6%	4.4%
FY 2009	1.8%	2.4%	3.9%
FY 2010	1.5%	2.1%	3.4%

Note: Assumes growth of 4% in assessed value of Real Estate

# Reduction of Aggregate Debt Within Ten Years (50%)

# (Reflects Issuance of Planned Future Debt)

	City	<u>Schools</u>	<u>Overall</u>
FY 2004	69%	65%	67%
FY 2005	68%	60%	65%
FY 2006	70%	61%	66%
FY 2007	72%	64%	68%
FY 2008	71%	56%	63%
FY 2009	74%	65%	69%

### Debt Statistics of Urban Cities

• Source: 6/30/03 CAFRs

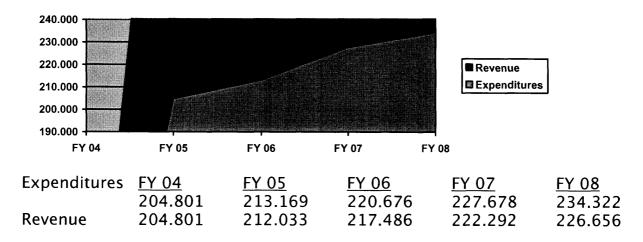
Locality	General Obligation Bond Rating	Debt Service To General Fund Expenditure	Net Bonded Debt To Assessed Value Real Estate	Net Bonded Debt Per Capita
Roanoke	AA	6.45%	4.40%	\$1,916.00
Richmond	AA/A1	6.81%	3.35%	\$2,029.00
Hampton	AA	5.32%	2.73%	\$1,104.00
Lynchburg	AA	7.85%	2.38%	\$1,328.00
Newport News	AA	7.37%	5.20%	\$2,235.00
Norfolk	AA/A1	8.71%	3.37%	\$1,545.00
Portsmouth	AA-/A3	6.80%	6.39%	\$2,002.00
Roanoke Co.	AA	5.24%	1.49%	\$1,040.00

The City Manager advised that some citizens have appeared before Council and stated that the City of Roanoke has enjoyed a AAA bond rating in the past, but the AAA rating has now been reduced. She pointed out that the City of Roanoke has never had a AAA bond rating, the City's current AA is a strong rating, and when the City sells bonds, it oftentimes sells as a AAA entity. She advised that the State of Virginia's bond rating has the potential to affect the City of Roanoke in the future, the City of Roanoke has been fortunate to be located in a State that has enjoyed a AAA bond rating for many years which has helped the City to ride the crest when it sells bonds, but recent indications are that the State's AAA bond rating may be in jeopardy. She added that it will not affect the City's bond rating, but could affect the City's ability to sell bonds at the better rate.

There was discussion in regard to how a locality achieves a AAA bond rating; whereupon, the Director of Finance advised that factors include the average personal wealth of a locality's citizens, investment in their homes and personal income; and part of the Council's strategic policy is to address such issues as increasing the value of homes in the City of Roanoke, more upscale housing, and creating higher paying jobs in the City.

Ms. Shawver advised that the City has engaged in three different bond refinancings this year, at savings of approximately \$325,000.00 per year.

Mr. Stovall reviewed the following chart on revenue and expenditure forecasts gap analysis:



In terms of closing the gap, Ms. Shawver advised that the following are under consideration:

#### Revenues

### Fiscal year 2005:

Increase street opening permits to more fully recover the cost of inspections of street repaving following street cuts.

Implement annual inspection of cross connection devices to recover some of the costs of the program; inspection services would be provided by staffing currently in place.

# Fiscal year 2006 and beyond:

Examine fees for services annually to ensure that revenues are adequate to cover cost of providing services.

Implement new or increased revenue stream if needed to fund debt service when the second high school project begins.

## Revenue Options include:

Tax	Current <u>Rate</u>	Maximum <u>Rate</u>	Rate Change <u>Impact</u>
Real Estate	\$1.21	None	01= \$ 480000.00
Personal Property	3.45	None	\$.01=\$ 67000.00
Utility Consumer	12%	20%	1% = \$1100000.00
Cigarette (20 per pack)	27	None	\$.01=\$ 70000.00
Transient Occupancy	7%	None	\$ 1% = \$322000.00
Admissions	5.5.%	None	1% = \$ 70000.00
Prepared Food & Beverage	4%	None	1%= \$1935000.00
E-911	2.00	\$3.00	\$.01=\$ 8000.00
Motor Vehicle License	\$20.00	\$28.50\$	1 = \$ 89000.00
Cable TV Utility		7%	1% = \$ 209000.00
Storm Water Management Fee	}	None	1/month=500000.00+

Mr. Stovall advised that budgetary options under consideration to close the gap include:

### Expenditures to fiscal year 2005:

Use savings from bond refinancing to reduce the net cost of employee compensation.

Reduce the planned increase in funding for capital building maintenance, equipment replacement and paving.

Mr. Stovall invited input from Council Members with regard to other options that the Council would like for City staff to consider in balancing the fiscal year 2005 budget.

Mr. Bestpitch called attention to a request by retired City employees for a pay increase and a supplement toward health care insurance for retired employees 65 years of age and older, and asked that the matter be included on the 2005 Fiscal Year Budget Study agenda.

Council Members Fitzpatrick and Dowe expressed appreciation to staff for the clarity of their presentations.

The Mayor requested a brief summary on revenue sources, as opposed to the traditional pie chart and summary of expenditure commitments, both in percentage of the overall budget and dollar amounts for fiscal year 2005.

Ms. Wyatt advised that as City staff prepares the proposed 2005 fiscal year budget, it is suggested that they look at the luxury taxes such as the cigarette tax, transient room occupancy tax, prepared food tax, cable television tax, etc., as opposed to those kinds of taxes that are considered to be basic services for Roanoke's citizens, such as the real estate tax and the E-911 tax, etc.

The City Manager advised that no fee or tax increases will be proposed in order to balance the fiscal year 2005 budget.

The City Manager advised that the next meeting of the Budget and Planning Committee will be held on Monday, April 5, 2004; Council will receive briefings on the proposed 2005 fiscal year budget in mid April; and there is a scheduling conflict in regard to the site for the proposed 2005 fiscal year budget public hearing on Thursday, April 29, 2004, at 7:00 p.m., which is typically held in the Exhibit Hall at the Roanoke Civic Center.

Following discussion, it was the consensus of Council to hold the proposed fiscal year 2005 budget public hearing in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, on April 29, 2004, at 7:00 p.m.

With reference to those items referred to the Council's Financial Planning Session and in the interest of time, the Chairman advised that a grant to the Roanoke Higher Education Center for property taxes paid would be deferred until the April 5, 2004, meeting of the Budget and Planning Committee.

Mr. Stovall called attention to a request from the Commissioner of the Revenue for additional funding in the amount of \$19,000.00, approximately \$2,500.00 of which will be used to implement the short term rental tax which was approved in the fiscal year 2004 budget, with the remainder of the appropriation to be used for day to day operation of the office. He stated that the Commissioner of the Revenue indicates that if additional funding is not forthcoming, it may be necessary to adjust operating hours in order to serve all citizens who are in line to transact business so as not to incur overtime expenses. He pointed out that the budget reduction for the Office of Commissioner of the Revenue for fiscal year 2004 was approximately \$19,000.00.

The City Manager advised that if approved by Council, the \$19,000.00 could be transferred from the City Manager's Contingency account to the budget of the Commissioner of the Revenue.

Following discussion, it was the consensus of Council to authorize appropriation of an additional \$19,000.00 to the budget of the Commissioner of the Revenue for fiscal year 2004.

The City Manager called attention to recent events regarding adoption of the State's budget, and advised that some persons have suggested that the General Assembly may not recess on time and there may be a need to continue to meet in order to reach a balanced budget; whatever the compromise, the budget will be different from either of the two budgets as presented by the House and the Senate; and the City can expect certain budgetary impacts whether they be in constitutional offices, or education, or law enforcement, or social services, or general revenues to be shared with the localities. She invited Council Members to view the RVTV-Channel 3 showing of a press conference that was held on Thursday, March 4, 2004, in Richmond, Virginia, by the Virginia First Cities Coalition, the essence of which reflects the sentiments of the City of Roanoke relative to the need for the General Assembly to recognize its obligations to Virginia's localities. On behalf of the Virginia First Cities Coalition, she stated that the press conference indicates support of the Senate version of the budget which overall represents the best interest of localities.

Ms. Wyatt inquired if it would be advantageous for the Council to go on record in support of the Senate version of the budget; whereupon, the City Manager advised that as a member of the Virginia First Cities Coalition, the position of the City of Roanoke was communicated as a part of the entire group, but Council Members, individually, could contact the City's legislative representatives.

The City Manager stressed that the next several weeks may change some of the information that was shared with the Council during today's Financial Planning Session, and expressed appreciation to Council for the seriousness with which it deliberated the topics of discussion.

The Chairman concluded the Financial Planning Session and turned the meeting over to the Mayor.

The Mayor referred to a previous discussion by Council in regard to cleaning up I-581 intersections within the City of Roanoke, and advised that the Roanoke Kiwanis Club will engage in a community project to remove debris in the Jefferson Street/Walnut Avenue I-581 area on Saturday, March 6, 2004.

Upon question by a Member of Council, the City Manager advised that City staff has not heard from Virginia Department of Transportation officials in regard to I-581 private property, and staff will coordinate a request of the Mayor to ride along portions of I-581 with appropriate City staff.

There being no further business, the Mayor declared the Council meeting in recess until Monday, March 15, 2004, at 11:30 a.m., at which time Council will meet jointly with the Roanoke City School Board to review information on construction costs for Patrick Henry High School.

The regular meeting of the Roanoke City Council which convened on Monday, March 1, 2004, at 9:00 a.m., which meeting was declared in recess until Friday, March 5, 2004, at 8:30 a.m., which meeting was declared in recess until Monday, March 15, 2004, at 11:30 a.m., was called to order on Monday, March 15, 2004, at 11:30 a.m., by Vice-Mayor C. Nelson Harris and School Board Chairperson Gloria P. Manns in Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, for a joint meeting of the Roanoke City Council and the Roanoke City School Board. The purpose of the meeting was to review plans for the Patrick Henry High School Replacement Project.

COUNCIL MEMBERS PRESENT: Beverly T. Fitzpatrick, Jr., Linda F., Wyatt, William D. Bestpitch, M. Rupert Cutler, Alfred T. Dowe, Jr., and Vice-Mayor C. Nelson Harris-----6.

ABSENT: Mayor Ralph K. Smith-----1.

SCHOOL TRUSTEES PRESENT: William H. Lindsey, Alvin L. Nash, Robert J. Sparrow, Kathy G. Stockburger, David B. Trinkle, and Ruth C. Willson and Gloria P. Manns, Chair -----7.

ABSENT: None-----0

STAFF PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; Mary F. Parker, City Clerk; E. Wayne Harris, Superintendent of Roanoke City Schools, Richard A. Kelley, Assistant Superintendent of Operations for Roanoke City Schools; and Cindy Lee, Clerk, Roanoke City School Board.

SCHOOLS: The meeting was called at the request of the School Board to present proposed plans for the Patrick Henry High School Replacement Project.

On behalf of the Council, the Vice-Mayor welcomed the School Board and staff to the meeting.

Chairperson Manns expressed appreciation to Council for taking time from their schedule to meet with the School Board to discuss plans for the Patrick Henry High School Replacement Project. She introduced Richard A. Rife, representing Rife & Wood Architects; and Lee Wilhelm, Mike Farris and Doug Childess, representing J. M. Turner Construction Company.

Chairperson Manns advised that the School Board has engaged in numerous discussions regarding the Patrick Henry High School Replacement project (Patrick Henry) and the School Board is present to reaffirm its commitment to both the Patrick Henry and the William Fleming High School projects. She stated that following significant community input throughout all phases of the planning process, the School Board has voted to proceed with the Patrick Henry High School Replacement Project, commencing in June 2004, at a cost of \$46.7 million, which will allow for completion of the Patrick Henry project and commencement of the William Fleming High School Replacement Project in June 2007. She advised that the School Board will assume the increase in debt service from \$38 million to \$46.7 million; and noted that the original budget of \$38 million, which was developed in 2001 for the Patrick Henry project, was based on the School Board's debt service capacity in 2005 and was not based on specific design plans. To provide Council with an overview of the Patrick Henry project, including planned academic concepts, final design, site plans and a revised timeline for debt service requirement, she called upon Superintendent Harris and Assistant Superintendent Kelley.

Superintendent Harris advised that the last time Council received information regarding the Patrick Henry project was in May 2003 during fiscal year 2004 budget study at which time Mr. Kelley provided information that was

based on preliminary design; however, today's briefing would include a complete review of the final design plan, including the academic program and debt service requirements.

## Mr. Kelley advised that:

- Ten buildings will be removed over the next three years in order to make room for a new main classroom building.
- Gibboney Technical and Education Center will be renovated to facilitate the business and academic program.
- The Governor's School will remain on the site.
- The building will be elevated six feet above the present level of the parking lot.
- The community has stressed the importance of constructing a building that is visible from Grandin Road and looks like a school with a designated front entrance.
- The main building will have three floors: ground floor, second floor and third floor.
- The second and third floors will house academic classrooms, or learning communities, and administrative situations associated with each learning community.
- The ground floor will house community oriented and support types of uses such as the library/media center, cafeteria area and administrative office space for staff.
- Any student entering the building will pass the administrative office before proceeding to the academic portion of the building.
- All doors will operate on an electronic lock system, similar to that used in hotels, using a swipe card.
- Community groups using the auditorium will be issued a swipe card which will allow for entry to the auditorium area only.
- The library/media center will be located across from the administrative suite, the area is significantly larger than the present library media center, and will include state-of-the-art technology and technology-based systems.

- The food court will be located behind the library/media center, the cafeteria area will be arranged so that students will not be required to go through one serving line, but visit food kiosks located at various points throughout the cafeteria in a food court type arrangement.
- External courtyards will be located off the cafeteria and off the library/media center.
- The cyber café will be located adjacent to the library/media center with significant soundproofing of the wall.
- Special education classes will be held on the first floor with a drop off point for disabled students and a covered walkway at the rear of the building.
- Additional classrooms can be added to the rear of the building if there is a need for expansion, and the main academic building can be connected to the business and technical education center.
- Design of the academic component of the second and third floors is identical.
- Space is available above the gymnasium on the second floor for a health and physical education center, wrestling room, training room, and ROTC classrooms; and the gym will seat 1500 in a bleacher type setting and 2200 if chairs are placed on the floor.
- The gymnasium can be used as a regulation 94 foot varsity style basketball court, or set up as two side by side courts for physical education activities.
- No classrooms are planned to be located above the fine arts wing housing the auditorium and the black box theater.
- Learning communities and basic classrooms will be located on the second floor along the side with administrative offices in the center; laboratory space that can be broken down into science labs, health, business and technology education labs, and laboratories will have the basic infrastructure to allow for connection to the necessary utilities.
- During a seven period day, a student will remain in the learning community for four to five periods of instruction, with one to three periods outside the learning community in fine arts, music, or physical education classrooms.

- Two learning communities will be located on the third floor identical to the learning communities on the second floor.
- Use of Blenheim Road will be limited to deliveries and custodial and food service employees in order to reduce the amount of traffic in the area.
- Plans include a regulation softball field and practice fields that can be used for soccer, football, or band practice.
- Total parking will exceed 600 parking spaces.
- Ten buildings are currently located on the Patrick Henry site, when the ten buildings are eliminated, the footprint of the building will be substantially reduced to free up space for softball, soccer and football practice fields.
- Academic concepts include: a seven period day beginning in August, 2004, smaller learning communities, an advanced placement high school, a fine arts center, and all programs will be technology based.
- Design concepts include: four self-contained learning communities, a new auditorium and "black box" theater that will seat 450 students, an arts and music center, a gymnasium with a health and fitness center, food courts with a "cyber café", technology based library/media center, exterior courtyards, and new athletic practice fields for softball, football and soccer.
- The Modular Master Plan allows for continued operation of the school.
   Phase I classrooms, media center and cafeteria; Phase II construction of the fine arts wing and gymnasium complex; and Phase III construction site for practice fields and gymnasium.
- The campus plan will be replaced by a consolidated/courtyard plan that provides for natural light, secure outdoor gathering spaces and internal circulation.

- The consolidated footprint allows for reorganization of the school into small learning communities, more land for athletic fields, improves energy efficiency, provides for a defined front door, full ADA compliance in terms of elevators, ramps and restrooms, and an overall new image.
- The cost estimate for Patrick Henry High School for school and site improvements is \$40,101,613.00.
- Adding in other project costs such as:

\$ 2,150,000.00
2,570,000.00
50,000.00
1,875,000.00
\$ 6,645,000.00
\$ 46,746,613.00
\$ \$ \$

- The School Board has held pubic hearings with regard to reducing the scope of the project and deferring several of the following support functions to future years; i.e.: beyond 2010: Defer construction of the auxiliary gymnasium \$885,000.00, defer construction of band and orchestra rooms \$815,000.00, build a new 1500 seat gym and physical education locker room \$3,517,000.00, defer construction of new athletic locker rooms, training room, fitness center, wrestling room, ROTC classrooms, for a subtotal of \$5,217,000.00. The above referenced deferrals of support functions would reduce total cost of the project to \$41,529,613.00.
- The following represent Virginia averages for construction costs for new high schools:

Construction Beginning:	<u>2000-01</u>	2001-02	<u>2002-03</u>
Nos. of schools	4	7	2
Cost/square foot with site improvements	\$130.36	\$120.83	\$131.62

Patrick Henry High School: Entire building with site improvements

\$118.17 square foot

Roanoke Academy for Math and Science:

New building with site improvements 123.67 square foot Hidden Valley High School (1999, adjusted for inflation):

New building with site improvements

124.65 square foot

- A revised time line has been prepared showing that Patrick Henry High School is scheduled to begin construction in June 2004, to be substantially complete by July 2007 (main part of the building, and classrooms, library/media center, the cyber café will be completed by January 2006, construction of the front portion of the building consisting of the fine arts wing and gym will be completed during the next 12 - 18 months, and the site for the auxiliary gym will be completed by July 2008.
- Construction on the William Fleming High School project will start in June 2007 for completion by July 2010.
- The School Board has increased debt service since 2001 on the average of about \$605,000.00 per year; if debt service accumulation is increased to \$675,000.00 annually by the year 2006, the School Board will have accumulated enough debt service in the School Board budget to fund the additional cost of the Patrick Henry High School project, at \$46.75 million.
- Debt service for William Fleming will be accumulated between 2007-2010, using the average annual accumulation of \$675,000.00 through fiscal year 2010.
- The School Board is not projecting any major school capital projects after fiscal year 2010, and all elementary school projects will have been completed by this date.
- All middle school projects will have been completed by 2010, plus significant improvements to Madison and Ruffner Middle Schools, which were not included in the original renovation schedule for middle schools; and after 2010, the School Board's debt service will begin to decline at the rate of \$200,000.00 to \$300,000.00.

- Following completion of the Patrick Henry and William Fleming High School Replacement projects, there will not be a need for additional high school projects for the next 50 years.
- Following completion of the high school projects and several elementary school projects that are currently on the drawing board, all major capital improvement requirements will have been completed through the year 2020.
- The School Board will accumulate \$675,000.00 per year through fiscal year 2010, or approximately \$5 million to address the high school debt by fiscal year 2010.
- A contingency fund of \$2 million will be developed by virtue of the fact that the debt service that the School Board has accumulated has been used to fund architects and construction management fees for the Patrick Henry project.
- The School Board will complete the remaining elementary school projects by 2007-2008 (Westside, Fallon Park, Monterey and Raleigh Court Elementary Schools will be completed over the next two to three years).
- The School Board is requesting that Council maintain its original commitment of \$39 million for both high school projects, which was the original 50 per cent share of a \$78 million budget, and approve the appropriate debt issuance resolution(s) for the high school projects and other capital projects.
- Council previously approved a debt resolution for the Patrick Henry High School project which would need to be increased to meet new project budget requirements of \$46.75 million.

In summary of Mr. Kelley's remarks, it was advised that:

 The main difference in the debt service requirements of the high school projects between the new and the old project budgets is that the debt service accumulation schedule is extended by two years from fiscal year 2008 to fiscal year 2010.

- The average rate of accumulation per year of \$675,000.00 is not significantly different, but accumulation occurs over a period of six years, rather than four years.
- Once the School Board completes William Fleming High School by 2010, no significant capital projects in excess of \$2.5 million are on the horizon, except the possible replacement of the central administration building. The School Board will have remodeled or replaced all elementary schools and four of the six middle schools and roofs and HVAC systems will have been replaced at two other middle schools.
- Debt service will start to decline after the year 2010 at the rate of \$200,000.00 to \$300,000.00 per year.
- The new high schools will help to retain families in the City of Roanoke who have the financial capacity to move to another Roanoke Valley community. Not only will this help the City with its population base, but each student retained equals approximately \$3,000.00 annually in State aid.
- Real estate values, particularly in the more affluent areas of the City, will be positively affected leading to increases in tax collections without an increase in taxes.
- The City's economic development activities will be enhanced by attracting "clean" industries to the City with two progressive high schools – one with an AP focus and one with an IB focus.
- The quality of the City's workforce will be improved through better education for the City's high school graduates, both college bound and career oriented.
- Both high school campuses will become community centers for health, physical fitness, the arts and other important civic programs.
- The design of the new campuses will have important environmental and aesthetic benefits for the neighborhoods in which they are located.

Chairperson Manns reiterated the School Board's commitment to the Patrick Henry and William Fleming High School replacement projects and advised that in order to complete both projects, the School Board will accumulate \$5 million in high school debt service by fiscal year 2010; the School Board will develop a contingency fund of \$2 million for the high school project by fiscal year 2005; remaining elementary school projects will be completed by 2007–2008; and, in order for the School Board to successfully accomplish these projects for the children of Roanoke City, it is requested that Council maintain its original commitment of \$39 million for each of the two high school projects and approve the appropriate debt service issuance resolution(s).

Comments/questions by the Vice-Mayor and Members of Council:

• Did community needs create anything that can be quantified?

Superintendent Harris responded in the affirmative and advised that as the community provided input during a number of public meetings in regard to programs, their wishes and desires have been reflected in the increase in square footage of the main school building and a more complete high school in terms of fine arts and athletics. He stated that the voice of the community was listened to very carefully.

 How much, if any, will other schools be affected by the increase in debt service?

Dr. Harris advised that the increase in debt service will not impact the capital improvements plan in terms of completing those school projects that are in progress.

• What is the definition of a learning community?

Dr. Harris explained that the concept of a learning community is: ninth grades at both Patrick Henry and William Fleming High Schools have been arranged in a group setting which allows all ninth grade students to spend much of their time together in a smaller setting in order to build relationships between staff and students by offering the opportunity for students to study together for the core subjects such as math, science, and social studies.

 An observation was made that it will soon be time to begin the process of renovating elementary schools. Mr. Kelley responded that it will not be necessary to gut elementary school buildings and start over, and the School Board will continue to monitor the buildings on a regular schedule in terms of capital maintenance items such as roof replacement, flooring, etc., that may need to be replaced.

 How much of increased debt service funds will come from school employee salaries?

Dr. Harris responded that none of the funds will come from employee salaries, the School Board has used the increase in revenue each year and set aside a portion of the funds to be devoted exclusively to debt service which has not impacted the ability of the school system to provide pay increases for school employees.

• What is the average class size at Patrick Henry High School?

Dr. Harris advised that with construction of the new high school, the average class size will not change from a ratio of 25 to 1, some classes have a larger ratio and some of the advanced classes have a smaller ratio than 25 to 1.

• It would appear to be redundant to have a library/media center in the Patrick Henry facility and the Raleigh Court Branch Library on the same property. Has any consideration been given to using the school library as the Raleigh Court Branch Library?

Dr. Harris called attention to discussions early in the process to determine if the new library/media center at Patrick Henry High School could serve the entire community. He also called attention to discussions with the City Manager with regard to using the Patrick Henry facility as not only a high school, but a community facility which has proven to be successful at the Roanoke Academy for Mathematics and Science. Council Member Fitzpatrick requested that the City Manager and the Superintendent of Schools continue to pursue the concept of consolidating the library media center in Patrick Henry High School and the Raleigh Court Branch Library.

• Is the front entrance handicap accessible?

Mr. Kelley responded that the front entrance will be ramped, although handicapped access to the building will be more user friendly through the rear entrance.

Where will the adolescent health center be located?

Mr. Kelley advised that the facility will be located on the first floor adjacent to the cafeteria.

• Will all of the services/programs that are now provided at Patrick Henry be continued in the new school?

Mr. Kelley responded in the affirmative and stated that the architect made a thorough evaluation to ensure that all programs/services are included in the new facility.

• What is the status of the removal of modular classrooms from all elementary schools?

Dr. Harris explained that previous discussion pertained to approximately 57 modular classrooms and advised that considerable progress has been made to replace the modulars with permanent additions; and ten modulars will be added to Patrick Henry High School to accommodate students during the construction period. Mr. Kelley clarified that about 33 mobile units are located at elementary schools, none of which are used as classrooms and some have been left in place at certain schools that are used for other purposes; mobile classrooms still exist at Westside Elementary School, and a building design plan has been prepared, with construction projected to be completed in the summer of 2005. He advised that the goal is to eliminate all individual mobile classrooms that are being used as classrooms by the year 2008.

• An observation was made by a Member of Council that improvements are needed at the two high schools; however, if it became necessary to prioritize faculty and staff against materials, equipment and capital projects, faculty and staff would be the number one priority. The City of Roanoke will be more successful in terms of student achievement if the City attracts the very best educators who may have to work in classrooms that are in need of repairs and/or improved equipment.

- Excitement was expressed that upon completion, the City of Roanoke will have two world class high schools that will be open to the public in six years, which will lead to improved economic development and stability of those families who choose to live in Roanoke because of the quality and competitiveness of its school system.
- What has been learned from the Columbine High School experience that was incorporated in the Patrick Henry High School building plans?

Mr. Kelley advised that the security consultant stressed the need to limit access to the school by including one point of entry where students will be required to pass when entering the main school building; construction of a building that is of one footprint, with surveillance cameras incorporated into the facility, both internally and externally; installation of an electronic key in system, with swipe cards; and academic communities will be located on the second and third floors of the building which will limit the ability of the public to access those areas during the school day, therefore, any persons on the second and third floors will be confined to students, teachers and staff and not the public at large.

Where will track and field athletes practice outdoors?

Mr. Kelley advised that Patrick Henry will maintain its present track and no significant funds have been devoted to improve the track facility.

 How has "green architecture" been incorporated into the design in terms of energy efficiency and recycling?

Mr. Rife advised that the fact that rebuilding will occur on an existing site is a "green architecturally-oriented" way to proceed; consolidating the building, or de-suburbanizing, will decrease water run off on the site and any flooding conditions that might be created; an increase in the green area of the site will provide air quality improvements, with substantial tree plantings in the parking areas; and the heating and air conditioning system will be designed as a variable air volume system that will be responsive to individual room needs, in order to heat or cool individual rooms as needed, with a system that is highly programmable and allows for the heating/air conditioning system to be controlled at lower levels when the building is not in use.

• To what extent will the career and technical education setting be upgraded?

Mr. Kelley advised that technical education classes without space use requirements will be located in the learning community in the main building to provide laboratory space for business and technical education courses; and courses such as cosmetology, or culinary arts, etc., will be located in Gibboney Center due to space requirement needs for equipment or access, etc.

• Will an attempt be made through decoration, painting, etc., to make the Gibboney Technical Center blend with the new school?

Mr. Rife advised that the Gibboney Center will be connected with a covered canopy to physically tie the structure in with the main building and some of the programs currently taught at Gibboney will be moved to the main building.

 As construction unfolds, how will student traffic be managed on campus?

Dr. Harris advised that a position has been established to serve as liaison/coordinator between construction activities and the school population, with safety being the paramount concern; a safety liaison construction committee has met on two occasions and developed a plan to ensure that the construction site is cordoned off; an additional security officer has been approved by the School Board whose primary responsibility will be to patrol the area for safety; the City Manager has responded to a request to ensure traffic control in and around the entrance to Patrick Henry during construction; and the liaison construction committee is looking at ways to shuttle students throughout the school campus during construction, all of which should be finalized well in advance of the time that students return to school in August, 2004.

• How will the new building enhance curriculum and academics?

Dr. Harris responded that the goal is that Patrick Henry will become a world class high school; when looking at schools that are currently listed in USA Today as the top high schools, the one common thread is that they offer a wide range of AP courses; the School system is working with Virginia Western Community College to increase the number of AP classes to be offered next year, with a goal that by the time the new facility is open, all 31 AP classes will be offered, and successful completion of the courses will be recognized as college credit; and final discussions are

underway with officials of the Roanoke Symphony Orchestra to provide for Patrick Henry High School to serve as the future home of the Roanoke Symphony.

 A summary was requested of citizen input at community meetings where cost reduction options for Patrick Henry High School were reviewed.

Chairperson Manns called attention to widespread attendance at the meetings at which time the public clearly proposed the cost reduction items at Patrick Henry High School. Dr. Harris advised that two meetings were held and additional information type meetings are scheduled to be held with parents of elementary and middle school students; and some citizens have voiced concerns with regard to the expenditure of these kinds of funds to replace Patrick Henry, but the predominate view of the public is that the project should move forward, therefore, the School Board took action to not eliminate the fine arts facility, or to reduce the athletic facility, and to move forward with the project.

• Will the health and fitness center be open to the public?

Mr. Kelley advised that it is proposed to enter into an agreement with the City's Department of Parks and Recreation that will add the Patrick Henry health and fitness center to the other school fitness center facilities.

• Will the auditorium continue to be known as the Clara Black Auditorium?

Mr. Kelley advised that the School Board has not made a decision in regard to naming the facility.

An observation was made by a Member of Council that "Clara Black" is an important name and should continue to be used with the new building, therefore, the School Board should be encouraged to carry on the tradition because of Ms. Black's theatrical experience and the opportunities that she created for Roanoke's young people that would not otherwise have occurred.

Dr. Harris commended the cooperation of the City Manager in responding to various requests/concerns of the School Board, i.e.: security and a location for band and sports teams to practice. He advised that there will be times of upheaval, turmoil and inconvenience for students, and parents must be assured that their children will be safe. He added that he will continue to work with the City Manager as construction proceeds.

The City Manager advised that the Council's next Budget and Planning Committee meeting is scheduled to be held on Monday, April 5, 2004, and at that time, City staff will be prepared to review information with regard to the impact of bond issuance at the higher level as staff finalizes its recommendations regarding a capital and operating budget for the City of Roanoke for fiscal year 2005.

There being no further business, the Vice-Mayor declared the Council meeting adjourned at 1:25 p.m.

·	APPROVED	
		Ralph K. Smith
		Mayor

ATTEST:

Mary F. Parker City Clerk

### REGULAR WEEKLY SESSION----ROANOKE CITY COUNCIL

### March 15, 2004

2:00 p.m.

The Council of the City of Roanoke met in regular session on Monday, March 15, 2004, at 2:00 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Vice-Mayor C. Nelson Harris presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2–15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and pursuant to Resolution No. 36414–070703 adopted by the Council on Monday, July 7, 2003.

PRESENT: Council Members Beverly T. Fitzpatrick, Jr., Linda F. Wyatt, William D. Bestpitch, M. Rupert Cutler, Alfred T. Dowe, Jr., and Vice-Mayor C. Nelson Harris-----6.

ABSENT: Mayor Ralph K. Smith-----1.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Bishop M. Louis Hardy, Pastor, Prayer Temple Church of Our Lord Jesus Christ.

The Pledge of Allegiance to the Flag of the United States of America was led by Vice-Mayor Harris.

#### PRESENTATIONS AND ACKNOWLEDGEMENTS:

FIRE DEPARTMENT - ACTS OF ACKNOWLEDGMENT: The Vice-Mayor presented the Governor's Award for Excellence in Virginia Fire Service Management to Fire/EMS Chief James Grigsby. He advised that the award is presented in recognition of achieving national accredited agency status and improved ISO rating, regional cooperation initiatives, adoption of the Fire/EMS seven year Strategic Business Plan, improvements to equipment and training methodologies, department training, regional cooperation and having received the highest citizen satisfaction rating of any City department over the past three years.

On behalf of the Members of Council and the citizens of the City of Roanoke, the Vice-Mayor congratulated and expressed appreciation to the City of Roanoke's Fire/EMS Department.

## **CONSENT AGENDA**

The Vice-Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately. He called specific attention to three requests for Closed Session.

MINUTES: Minutes of the regular meeting of Council held on Tuesday, January 2, 2001, and recessed until Tuesday, January 8, 2001; the regular meeting held on Tuesday, January 16, 2001, and recessed until Monday, January 29, 2001; and the regular meeting held on Tuesday, February 17, 2004, were before the body.

Mr. Dowe moved that the reading of the minutes be dispensed with and that the minutes be approved as recorded. The motion was seconded by Mr. Cutler and adopted by the following vote:

Vice-				Fitzpatrick,	•	•	•	
	NAYS:	None						 -0.
(May	or Smith	n was abs	ent.)					

CITY COUNCIL: A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), was before the body.

Mr. Dowe moved that Council concur in the request of the Mayor to convene in a Closed Meeting as above described. The motion was seconded by Mr. Cutler and adopted by the following vote:

			Fitzpatrick,	•	•	
•						
(Mayor Smit	h was abs	ent.)				

PURCHASE/SALE OF PROPERTY-CITY COUNCIL-CITY PROPERTY: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss acquisition of real property for public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711(A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Dowe moved that Council concur in the request of the City Manager to convene in a Closed Meeting as above described. The motion was seconded by Mr. Cutler and adopted by the following vote:

Vice-				Fitzpatrick,			
	NAYS: N	None			 	 	-0.
(May	or Smith	was abse	ent.)				

CITY COUNCIL: A communication from the City Attorney requesting that Council convene in a Closed Meeting to consult with legal counsel on a matter of probable litigation, pursuant to Section 2.2–3711(A)(7), Code of Virginia (1950), as amended, was before the body.

Mr. Dowe moved that Council concur in the request of the City Manager to convene in a Closed Meeting as above described. The motion was seconded by Mr. Cutler and adopted by the following vote:

	AYES:	Council	Members	Fitzpatrick,	Wyatt,	Bestpitch	Cutler,	Dowe	and
Vice-	Mayor	Harris							-6.
	NAYS.	None							-0

(Mayor Smith was absent.)

COMMITTEES-TOWING ADVISORY BOARD: A report of qualification of Robert R. Young for a term ending June 30, 2005, and Walter T. Hinkley for a term ending June 30, 2006, as members of the Towing Advisory Board, was before Council.

Mr. Dowe moved that the reports of qualification be received and filed. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Fitzpatrick, Wyatt, Bestpitch Cutler, Dowe and Vice-Mayor Harris-----6.

NAYS: None-----0.

(Mayor Smith was absent.)

### **REGULAR AGENDA**

SCHOOLS: The Vice-Mayor advised that on July 1, 2004, there will be two vacancies on the Roanoke City School Board, and pursuant to Chapter 9, Education, Code of the City of Roanoke, 1979, as amended, applications from the following persons were received in the City Clerk's Office prior to the 5:00 p.m., deadline on Wednesday, March 10, 2004:

Dennis M. Binns Chris H. Craft Robert R. Craig David M. Dabay Roddy L. Hiduskey Glenda D. Lee Alvin L Nash Samuel Robinson Linda F. Wright

Without objection by Council, the Vice-Mayor advised that the applications will be received and filed and Council will select the persons to receive the formal interview at its regular meeting on Monday, April 5, 2004, at 2:00 p.m. (Interviews will be held on Thursday, April 22, 2004, at 4:30 p.m., in the Council Chamber.)

PUBLIC HEARINGS: NONE.

#### PETITIONS AND COMMUNICATIONS:

ECONOMIC DEVELOPMENT: Phillip F. Sparks, Executive Director, Roanoke Valley Economic Development Partnership, presented the annual report of the Partnership. He advised that the Partnership was founded approximately 20 years ago by five Roanoke Valley governments, and today, six Roanoke Valley governments participate on a per capita basis, providing funding for the marketing of the Roanoke Valley to not only the United States, but throughout the world. He stated that last year, the Partnership, working with governmental partners throughout the Roanoke Valley, announced \$110 million in new projects/capital expenditures; and 2003 was the third best year in the history of the Partnership, with projects in the range of \$25 – \$30 million and more than 1,000 new jobs. He further stated that the Partnership set a \$25 million goal for new investment in fiscal year 2004 and to date, it has reached \$37 million; the goal was to

announce a payroll of \$5.9 million and to date, a payroll of \$9.1 million has been achieved; average salary goal was \$29,000.00 per year and to date, average salary is \$27,000.00; the goal in number of jobs was 200 and has been exceeded by 421 jobs, and local governments have converted 25 per cent of all prospect business. He advised that this is the second year that the Commonwealth of Virginia has chosen not to advertise for economic development, therefore, the level of inquiries to the Regional Partnership has diminished.

On behalf of the Roanoke Valley Economic Development Partnership, Mr. Sparks expressed appreciation for the support of the Members of Roanoke City Council and the City Manager.

Dr. Cutler inquired if the Partnership plans to use the new branding logo, term and design for the greater region; whereupon, Mr. Sparks advised that the Partnership will most likely be one of the lead agencies or organizations to use the logo.

Mr. Fitzpatrick expressed concern with regard to the lack of increased funding by the Commonwealth of Virginia for the Economic Development Partnership and asked that Council be kept informed relative to any financial issues.

TAXICABS AND FOR HIRE VEHICLES: W. E. Roberts, President, Yellow Cab Services of Roanoke, Inc., presented a revised petition for taxicab rate increase. He advised that a rate increase of approximately \$1.00 per trip on the initial drop is proposed, based on an average trip of three miles, which is approximately 15.6 per cent, and is in line with fees charged by other localities throughout the Commonwealth of Virginia. He explained that expenses of the cab company have dramatically increased over the past four years since the last rate increase; and if Yellow Cab Services is to continue to provide vital taxicab service to the Roanoke Valley, periodic rate adjustments will be needed. He called attention to a comparison of Yellow Cab Company rates with other localities in the Commonwealth of Virginia which indicate that the rates charged by Yellow Cab Services are comparatively low.

Mr. Chris Craft, 1501 East Gate Avenue, N. E., spoke in support of the request for a rate increase. He advised that taxicabs are more expensive to maintain and to operate than personal automobiles, the requested increase is necessary to fund company expenses, and Yellow Cab Services provides low income people with an opportunity to earn a living.

Mr. E. Duane Howard, 508B Walnut Avenue S. W., advised that in most cities, taxicabs are used by the more affluent; however, in the City of Roanoke taxicab service is needed by those who cannot afford an automobile. He stated that he was not speaking either for or against the request for a rate increase, but asked that serious consideration and evaluation be given to the request of Yellow Cab Company inasmuch as Roanoke's disadvantaged and underprivileged citizens are dependent upon mass transit.

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., spoke on behalf of senior citizens who depend upon Yellow Cab Services for transportation. She stated that she was not against an increase in taxicab rates, however, the proposed increase equals approximately 15 per cent for the first three miles and comparisons made by Yellow Cab Services with other localities in the Commonwealth of Virginia are not based upon the same distance traveled. She requested that Yellow Cab Services consider offering senior citizens a discount, which could correlate to the discount offered by Valley Metro, because many senior citizens cannot physically ride a bus and must depend on taxicabs for transportation to address their basic needs since village centers within neighborhood corridors do not currently exist. In summary, she requested that consideration be given to the inaccurate comparison of the City of Roanoke with other localities in Virginia, taxicab drivers in Roanoke do not assist customers with packages or laundry, and some persons cannot afford to pay an increase in taxicab rates.

Without objection by Council, the Vice-Mayor advised that the request of Yellow Cab Services of Roanoke, Inc., would be referred to the City Manager for study, report and recommendation to Council.

**REPORTS OF OFFICERS:** 

**CITY MANAGER:** 

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

CITY EMPLOYEES-PUBLIC INFORMATION OFFICER: The City Manager introduced Larry Brown, Public Information Officer, effective March 15, 2004.

COMMUNICATIONS DEPARTMENT: The City Manager submitted a communication advising that in 2001, the State of Virginia mandated that localities take responsibility for answering wireless E911 calls, which replaced the previous process of having all wireless calls routed to, and answered by, the State Police; the Virginia State Wireless E911 Services Board provides annual funding to

localities for equipment and limited salaries to support the service; the State currently collects a monthly tax of 75 cents assessed on each wireless telephone user to fund localities for expenses associated with the services; and funding is distributed from the Wireless Services Board (WSB) to localities based on a formula which considers total wireless E911 calls as a percentage of overall E911 call volume.

It was further advised that in 2001, the City of Roanoke received approximately \$250,000.00 from the Wireless Services Board as part of a Phase I program for equipment upgrades and staff support to facilitate the transfer of wireless call services from the State to Roanoke's local 911 Center.

It was explained that on November 12, 2003, the Virginia State Wireless E911 Services Board awarded the City of Roanoke an additional \$78,287.00 as part of a Phase II service expansion; Wireless Phase II is designed to implement the technology that is necessary to enable 911 operators to know, automatically, the location of a cell phone caller using global positioning systems; and installation of the basic infrastructure to identify wireless caller locations is scheduled for completion by June 2004 (It may be several years for cell phones with global positioning technology to be introduced to the marketplace by wireless providers before this capability is fully utilized); and there is no requirement for matching funds for the \$78,287.00 grant.

The City Manager recommended that Council accept funding from the Virginia State Wireless E911 Services Board, increase wireless revenue by \$78,287.00, appropriate \$12,500.00 to E911 Center, Account No. 001-430-4130-2044, for E911 training, and appropriate \$65,787.00 to the E911 Upgrades for Hardware/Software, Account No. 013-430-9870-9007.

Mr. Dowe offered the following ordinance:

(#36640-031504) AN ORDINANCE appropriating funds for E911 wireless equipment and establishing a State grant, amending and reordaining certain sections of the 2003-2004 General and Department of Technology Funds Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36640-031504. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

		Fitzpatrick,			
Vice-Mayor	Harris	 	 	 	-6.
·					

NAYS: None------1.

(Mayor Smith was absent.)

NEWSPAPERS-LEASES-AIR RIGHTS-BRIDGES: The City Manager submitted a communication advising that in 1984 and in 2002, the City of Roanoke entered into air rights lease agreements with *The Roanoke Times* in order for the Times to construct bridges to span Salem Avenue and Second Street, respectively; as a part of the agreements, *The Roanoke Times* was required to post bonds with the City of Roanoke that are renewable every five years in amounts equal to an estimated cost of removing the bridges over Salem Avenue and Second Street in the event that the bridges fall into disrepair and *The Roanoke Times* is unable to repair them; the amounts for the bonds will be renewed every five years, and in 2004, the amount for the Salem Avenue Bridge was adjusted to \$100,000.00 and in 2002, the Second Street Bridge bond was set at \$250,000.00.

It was further advised that *The Roanoke Times* has requested that it be allowed to either issue five-year bonds or five-year letters of credit for the lease agreements.

The City Manager recommended that she be authorized to execute amendments to the two lease agreements authorizing *The Roanoke Times* to issue either five-year bonds, or five-year letters of credit, such agreements to be approved as to form by the City Attorney.

Mr. Fitzpatrick offered the following ordinance:

(#36641-031504) AN ORDINANCE authorizing the City Manager to execute amendments to the Lease of Air Space Agreement dated April 27, 1984, and the Lease of Air Space and Easement for Support Columns, dated February 7, 2002, between the City of Roanoke and the Times-World Corporation, to permit the Times-World Corporation to issue either five-year bonds or five-year letters of credit as required by the agreements, upon certain terms and conditions, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36641-031504. The motion was seconded by Mr. Dowe and adopted by the following vote:

เทd -6.
0.

(Mayor Smith was absent.)

SCHOOLS-REPORTS OF COMMITTEES: A communication from the Roanoke City School Board requesting that Council appropriate \$494,298.00 from the Capital Maintenance and Equipment Replacement Fund for the purpose of replacement of musical instruments, purchase of health, instructional and administrative technology equipment, purchase of district-wide furniture, roof consulting services, installation of flooring, and purchase of food services equipment, was before the body.

The Director of Finance submitted a written report recommending that Council concur in the request of the School Board.

Mr. Dowe offered the following budget ordinance:

(#36642-031504) AN ORDINANCE to appropriate funding for equipment from the Capital Maintenance and Equipment Replacement Program (CMERP) and from the School Food Service Fund balance, amending and reordaining certain sections of the 2003-2004 School and School Food Service Funds Appropriations and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36642-031504. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES:	Council	Members	Fitzpatrick,	Wyatt,	Bestpitch,	Cutler,	Dowe	and

NAYS: None	(	).
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(Mayor Smith was absent.)

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR, VICE-MAYOR AND MEMBERS OF CITY COUNCIL:

ACTS OF ACKNOWLEDGEMENT-CITY MANAGER-COMMUNICATIONS DEPARTMENT: Council Member Cutler commended the City Manager upon receipt of the *Government Technology* magazine, "Top 25 Doers, Dreamers and Drivers Award".

ACTS OF ACKNOWLEDGEMENT-HOTEL ROANOKE CONFERENCE CENTER: Council Member Cutler commended The Hotel Roanoke and Conference Center upon receipt of the Doubletree Pride Award, The Connie Award and The Annual CARE Award.

BONDS/BOND ISSUES: Council Member Cutler commended actions taken by the Director of Finance which will enable the City of Roanoke to save \$225,000.00 per year over a period of approximately 18 years through bond refinancing.

CITY MARKET-STREET NAMES: Council Member Bestpitch requested that the matter of renaming that portion of 13th Street south of Orange Avenue, "Thomas Market Street", be referred to the City Planning Commission for study, report and recommendation to Council. He also requested that the City Planning Commission work with the appropriate landowners in connection with naming the two plazas that bracket the City Market area and that proposed names be reflective of the City's railroad heritage.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Vice-Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

BRIDGES-COMMITTEES: Mr. E. Duane Howard, 508B Walnut Avenue, S. W., raised questions in regard to the Dr. Martin Luther King, Jr. Bridge Committee; i.e.: composition of the committee, the required number of members to constitute a quorum, the lack of attendance at meetings by some members of the committee, the cost to taxpayers for architects to attend meetings of the committee, why a project of this magnitude was assigned to a small and select group, the role of Council Members Wyatt and Cutler, why would the City spend \$3 million on a bridge when \$47 million is proposed to be spent on the Patrick Henry High School Replacement Project and which project is more important, why is public input on the bridge project scheduled for 2:30 p.m., on a Tuesday at a time when the general public is not available to attend, when the report is submitted to Council, is it morally and ethically right for Council Members Wyatt and Cutler to vote on the issue, and how can a \$500,000.00 Federal grant be used to build a memorial to Dr. King.

FEE COMPENDIUM-ROANOKE GAS COMPANY: Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., expressed concern on behalf of senior citizens in regard to the rising cost of gas for home heating purposes. She requested that Council contact officials of Roanoke Gas Company to determine if they would be more lenient in dealing with senior citizens, those persons living on a fixed income, and those customers who pay their bills on time.

#### **CITY MANAGER COMMENTS:**

ROANOKE GAS COMPANY: In response to Ms. Bethel's concerns, the City Manager called attention to the City's Fuel Assistance Program which is administered by the Department of Social Services, and encouraged those persons who experienced challenges in paying their fuel bills to contact the Social Services Department.

BUDGET: The City Manager advised that to date, the General Assembly has not adopted a budget on behalf of the Commonwealth of Virginia. She stated that the City of Roanoke supports the Senate version of the budget which does the least amount of harm to localities, and urged that citizens contact the City's representatives to the Virginia General Assembly to insist that a budget be adopted that will do the least amount of harm at the local level to those localities that provide the necessary day-to-day services.

At 3:10 p.m., the Vice-Mayor declared the Council meeting in recess for three Closed Sessions.

At 3:40 p.m., the meeting reconvened in the Council Chamber, with all Members of the Council in attendance, except Mayor Smith, Vice-Mayor Harris presiding.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Cutler moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

			Fitzpatrick,	•	•		
vice may	n mains					<del></del>	-0.
NAY	S: None						 -0.
(Mayor Sm	مام محدد ملع:	\					

COMMITTEES-PENSIONS: The Vice-Mayor advised that there is a vacancy on the City of Roanoke Pension Plan, Board of Directors, created by the resignation of D. Duane Dixon, for a term ending June 30, 2004; whereupon, he opened the floor for nominations to fill the vacancy.

Ms. Wyatt placed in nomination the name of Michael W. Hanks.

There being no further nominations, Mr. Hanks was appointed as a member of the City of Roanoke Pension Plan, Board of Trustees, to fill the unexpired term of D. Duane Dixon, resigned, ending June 30, 2004, by the following vote:

FOR MR. HANKS: Council Members Fitzpatrick, Wyatt, Bestpitch, Cutler, Dowe and Vice-Mayor Harris----6.

(Mayor Smith was absent.)

Inasmuch as Mr. Hanks is not a resident of the City of Roanoke, Ms. Wyatt moved that the City residency requirement be waived in this instance. The motion was seconded by Mr. Bestpitch and adopted.

CITY CODE-COMMITTEES-HOUSING/AUTHORITY: The Vice-Mayor advised that the terms of office of Frank W. Feather, Bryan Grimes Creasy and Nancy Canova as members of the Fair Housing Board will expire on March 31, 2004; whereupon, he opened the floor for nominations to fill the vacancies.

Mr. Bestpitch placed in nomination the names of Frank W. Feather, Bryan Grimes Creasy and Nancy Canova.

There being no further nominations, Ms. Canova and Messrs. Feather and Creasy were reappointed as members of the Fair Housing Board, for terms ending March 31, 2007, by the following vote:

FOR MS. CANOVA AND MESSRS. FEATHER AND CREASY: Council Members Fitzpatrick, Wyatt, Bestpitch, Cutler, Dowe and Vice-Mayor Harris-----6.

(Mayor Smith was absent.)

PARKS AND RECREATION-COMMITTEES: The Vice-Mayor advised that the terms of office of Gwendolyn W. Mason, David Nixon, Mark Lawrence, and Geraldine LaManna as members of the Parks and Recreation Advisory Board will expire on March 31, 2004; and there is one vacancy on the Parks and Recreation Advisory Board created by the resignation of Brian M. Shepard for a term ending March 31, 2005; whereupon, he opened the floor for nominations to fill the vacancies.

Mr. Dowe placed in nomination the names of Gwendolyn W. Mason, David Nixon, Mark Lawrence, Geraldine LaManna and Thomas Pettigrew.

There being no further nominations, Ms. Mason, Mr. Nixon, Mr. Lawrence, and Ms. LaManna were reappointed for terms ending March 31, 2007; and Mr. Pettigrew was appointed to fill the unexpired term of Brian M. Shepard, resigned, ending March 31, 2005, as members of the Parks and Recreation Advisory Board, by the following vote:

FOR MS. MASON, MR. NIXON, MR. LAWRENCE, MS. LA MANNA AND MR. PETTIGREW: Council Members Fitzpatrick, Wyatt, Bestpitch, Cutler, Dowe and Vice-Mayor Harris-----6.

(Mayor Smith was absent.)

OATHS OF OFFICE-COMMITTEES-HOTEL ROANOKE CONFERENCE CENTER: The Vice-Mayor advised that the term of office of Ralph K. Smith as a member of The Hotel Roanoke Conference Center Commission will expire on April 12, 2004; whereupon, he opened the floor for nominations to fill the upcoming vacancy.

Mr. Bestpitch placed in nomination the name of C. Nelson Harris.

There being no further nominations, Mr. Harris was appointed as a member of The Hotel Roanoke Conference Center Commission, for a term commencing April 13, 2004 and ending April 12, 2008, by the following vote:

FOR MR. HARRIS: Council Members Fitzpatrick, Wyatt, Bestpitch, Cutler, and Dowe-----5.

(Mayor Smith was absent and Vice-Mayor Harris abstained from voting.)

At 3:45 p.m., the Vice-Mayor declared the Council meeting in recess until 7:00 p.m., in the City Council Chamber.

At 7:00 p.m., on Monday, March 15, 2004, the Council meeting reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Vice-Mayor C. Nelson Harris presiding.

PRESENT: Council Members Beverly T. Fitzpatrick, Jr., Linda F. Wyatt, William D. Bestpitch, M. Rupert Cutler, Alfred T. Dowe, Jr., and Vice-Mayor C. Nelson Harris------6.

ABSENT: Mayor Ralph K. Smith-----1.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The meeting was opened with prayer by Council Member William D. Bestpitch.

The Pledge of Allegiance to the Flag of the United States of America was led by Vice-Mayor Harris.

PRESENTATIONS AND ACKNOWLEDGEMENTS: NONE.

### **PUBLIC HEARINGS:**

BONDS/BONDS ISSUES-HOUSING/AUTHORITY-RIVERSIDE CENTRE-PURCHASE/SALE OF PROPERTY: The City Clerk having advertised a public hearing for Monday, March 15, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the proposed adoption of a resolution authorizing the City to contract a debt and to issue general obligation public improvement bonds of the City, in the amount of \$5,500,000.00, for the purpose of assisting the Roanoke Redevelopment and Housing Authority in paying a portion of the costs of the South Jefferson Redevelopment Project, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Monday, March 1, 2004 and Monday, March 8, 2004; and in the *Roanoke Tribune* on Thursday, March 11, 2004.

The City Manager submitted a communication advising that on March 19, 2001, the City of Roanoke entered into an agreement with Carilion Health System and Carilion Biomedical Institute with regard to development of the South Jefferson Redevelopment Area into a research and technology park; the City's Capital Improvement Program includes funding of \$23.5 million for Phase I of the Riverside Centre for Research and Technology; Phase I includes development of the area north of Reserve Avenue between Jefferson Street and Franklin Road, and has the potential to house one million square feet of office space, with build out expected to take 15–20 years for this phase of the project; and funding for Phase I is provided by the City's 2002 bond issue, sale of property and from the issuance of a future bond issue.

It was further advised that the City of Roanoke Redevelopment and Housing Authority (RRHA) has been negotiating with Roanoke City Mills, Inc., (sometimes called Mennell Mills, and hereinafter referred to as RCM) to purchase RCM's property on the west (Area 1) and east side (Area 3) of Jefferson Street; the other property east of Jefferson Street is in Area 3 and was not scheduled to be

acquired at this time; in order to enter into an agreement with the Housing Authority for purchase of RCM property in Area 1, which is necessary for the redevelopment project to move forward, RCM has also requested that the Housing Authority enter into an agreement for the purchase of RCM property in Area 3; and additional funding needed for property acquisition for Phase I will be provided from the issuance of bonds.

The City Manager recommended that Council adopt a resolution authorizing the sale of bonds for the South Jefferson Redevelopment Project, not to exceed \$5.5 million, and declaring the City's intent to reimburse itself from the sale of such bonds.

Mr. Dowe offered the following resolution:

(#36643-031504) A RESOLUTION authorizing the issuance of five million five hundred thousand dollars (\$5,500,000.00) principal amount of general obligations of the City of Roanoke, Virginia, in the form of general obligation public improvement bonds of such City, the proceeds of which are to be granted by such City to the Roanoke Redevelopment and Housing Authority for the purpose of assisting such Authority in paying a portion of the costs of a redevelopment project in the City, known as the South Jefferson Redevelopment Project; fixing the form, denomination and certain other details of such bonds; authorizing the preparation of a preliminary official statement and an official statement relating to such bonds and the distribution thereof and the execution of a certificate relating to such bonds; as applicable elected representative of such City approving the issuance of such bonds for purposes of Section 147(f) of the Internal Revenue Code of 1986; authorizing and providing for the issuance and sale of a like principal amount of general obligation public improvement bond anticipation notes in anticipation of the issuance and sale of such bonds; and otherwise providing with respect to the issuance, sale and delivery of such bonds and note.

(For full text of resolution, see Resolution Book No. 68.)

Mr. Dowe moved the adoption of Resolution No. 36643-031504. The motion was seconded by Mr. Bestpitch.

The Vice-Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion or comments by Council Members, Resolution No. 36643-031504 was adopted by the following vote:

AYES: Council Members Fitzpatrick, Wyatt, Bestpitch, Cutler, Dowe and Vice-Mayor Harris-----6.

NAYS: None-----0.

(Mayor Smith was absent.)

The City Manager submitted a communication advising that on March 19, 2001, the City of Roanoke entered into a Cooperation Agreement with the City of Roanoke Redevelopment and Housing Authority (RRHA) with regard to development of the South Jefferson Redevelopment Area into a research and technology park, which agreement expires on March 19, 2004, but is subject to extension by agreement of the two parties.

It was further advised that the Cooperation Agreement budget of \$14 million allowed for acquisition of property in Areas 1 and 1A only; currently only \$13 million of the total budget has been appropriated by the City; approximately \$1 million of water and sewer funding for related infrastructure has not yet been appropriated and will not be needed, however, in order to obtain certain property in Area 1, the Housing Authority has been negotiating with Roanoke City Mills, Inc., (sometimes known as Mennell Mills and hereinafter referred to as RCM) to purchase RCM's property on the west (Area 1) and east side (Area 3) of Jefferson Street; in order to enter into an agreement with the Housing Authority for purchase of RCM property in Area 1, which is necessary for the redevelopment project to move forward, RCM has requested that the Housing Authority enter into an agreement for the purchase of RCM property in Area 3; RCM property in Area 3 was not scheduled to be acquired at this time, therefore, in 2001, the Housing Authority Cooperation Agreement budget did not include funds to purchase the property; and additional funding will be provided from issuance of General Obligation Public Improvement Bonds, and proceeds from property sales in Areas 1 and 1A.

It was explained that Section One ("Term of SJC Agreement 2") of the South Jefferson Cooperation Agreement 2 between the City of Roanoke and the City of Roanoke Redevelopment and Housing Authority provides that the agreement will expire on March 19, 2004; in order for redevelopment of the area to continue, terms of the agreement must be extended; a five year extension is proposed, with subsequent extensions upon agreement of the parties; the budget needs to be amended to allow for acquisition of RCM property in Area 3; an additional \$8,065,000.00 needs to be incorporated into the amended budget for the

purchase of RCM property; approximately \$2,569,250.00 will come from the proceeds of land sales in Areas 1 and 1A and will be retained by the Housing Authority to be applied to the purchase of RCM property, and the remaining amount (approximately \$5,495,750.00) will come from the issuance of bonds; an amended budget under date of March 11, 2004, reduces the budget by \$1,000,0000.00 of water and sewer funding not needed, and increases the budget by \$8,065,000.00 for purchase of RCM property, for a net budget increase of \$7,065,000.00.

The City Manager recommended that she be authorized to execute an Amended South Jefferson Cooperation Agreement 2, in a form to be approved by the City Attorney, providing for a five-year extension, providing for the Housing Authority to seek to acquire RCM property in Area 3, and an amended budget providing for acquisition of RCM property in Areas 1 and 3; approve the amended budget as above described; appropriate \$5,495,750.00 of bond funds to be paid to the Housing Authority per the amended budget; and authorize the City Manager to take such further actions and to execute such documents as may be needed to implement and administer the extended South Jefferson Cooperation Agreement 2 and amended budget.

Mr. Dowe offered the following budget ordinance:

(#36644-031504) AN ORDINANCE to establish additional funding to South Jefferson Cooperation Agreement 2, amending and reordaining certain sections of the 2003-2004 Capital Projects Fund Appropriations and dispensing with the second ready by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36644-031504. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES:	Council	Members	Fitzpatrick,	Wyatt,	Bestpitch,	Cutler,	Dowe	and
Vice-Mayor	Harris							-6.

NAYS.	None	-0

(Mayor Smith was absent.)

Mr. Fitzpatrick offered the following ordinance:

(#36645-031504) AN ORDINANCE authorizing the proper City officials to execute an Amended South Jefferson Cooperation Agreement 2 between the City of Roanoke (City) and the City of Roanoke Redevelopment and Housing Authority (RRHA); approving an amended budget for such Amended Agreement; authorizing the City Manager to take such actions and execute further documents as may be needed to implement and administer such Amended Agreement; and dispensing with the second reading by title of this Ordinance.

(For full text of ordinance, see Ordinance Book No. 68.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36645-031504. The motion was seconded by Mr. Dowe and adopted by the following vote:

	AYES:	Council	Members	Fitzpatrick,	Wyatt,	Bestpitch,	Cutler,	Dowe	and
Vice-	Mayor	Harris							-6.
	•								
	NAVS.	None							-0
	14/13.	Wone							-0.

(Mayor Smith was absent.)

EASEMENTS-SIGNS/BILLBOARDS/AWNINGS: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, March 15, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a proposed encroachment of an overhead sign into the public right-of-way of the sidewalk and extension of an overhead awning into the public right-of-way at 22 Campbell Avenue, S. E., the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, March 5, 2004.

The City Manager submitted a communication advising that Dr. Jill Barksdale, representing Barksdale Vision Center, has requested permission to install an overhead sign and awning on the building located at 22 Campbell Avenue, S. E, which would encroach into the public right-of-way; the proposed sign would encroach approximately 48 inches into the right-of-way of Campbell Avenue, with ten feet of clearance above the sidewalk; the proposed awning would encroach approximately 36 inches into the right-of-way of Campbell Avenue, with ten feet of clearance above the sidewalk; the right-of-way of Campbell Avenue at this location is approximately 60 feet in width; and liability insurance and indemnification of the City and the property owner by the applicant will be provided.

The City Manager recommended that Council adopt an ordinance to be executed by the property owner, to be binding on the property owner and his or her heirs and assigns and to be recorded in the Clerk's Office of the Circuit Court for the City of Roanoke, granting a revocable license to the applicant, to provide for installation of a sign and awning at 22 Campbell Avenue, S. E, encroaching into the public right-of-way of Campbell Avenue.

Mr. Dowe offered the following ordinance:

(#36646-031504) AN ORDINANCE granting a revocable license to permit the encroachment of an overhead sign and awning at a height above the sidewalk of ten (10) feet, with the overhead sign extending forty-eight (48) inches, in the public right of way of 22 Campbell Avenue, S. E., and the awning extending thirty-six (36) inches with a length of seventy-two (72) inches, in the public right-of-way of 22 Campbell Avenue, S. E., from property bearing Official Tax No. 4010316, upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36646-031504. The motion was seconded by Mr. Fitzpatrick.

The Vice-Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion or comments by Council Members, Ordinance No. 36646-031504 was adopted by the following vote:

AYES:	Council	Members	Fitzpatrick,	Wyatt,	Bestpitch,	Cutler,	Dowe	and
Vice-Mayor	Harris							-6.

NAYS: None-----0

(Mayor Smith was absent.)

EASEMENTS-SIGNS/BILLBOARDS/AWNINGS: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, March 15, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a proposed encroachment of an overhead sign into the public right-of-way at 22 Church Avenue, S. W., the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, March 5, 2004.

The City Manager submitted a communication advising that Kamran Karbassiyoon, owner of property located at 22 Church Avenue, S. W., has requested permission to install an overhead sign on the building located at 22 Church Avenue, S. W., which would encroach into the public right-of-way; the proposed sign would encroach approximately 48 inches into the right-of-way of Church Avenue, with approximately ten feet, two inches of clearance above the sidewalk; the right-of-way of Church Avenue at this location is approximately 50 feet in width; and liability insurance and indemnification of the City by the property owner will be provided.

The City Manager recommended that Council adopt an ordinance, to be executed by the property owner and recorded in the Clerk's Office of the Circuit Court for the City of Roanoke, granting a revocable license to the owner, to allow installation of a sign at 22 Church Avenue, S. W., encroaching approximately 48 inches into the public right-of-way of Church Avenue.

Mr. Fitzpatrick offered the following ordinance:

(#36647-031504) AN ORDINANCE granting a revocable license to permit the encroachment of an overhead sign at a height above the sidewalk of ten (10) feet, two (2) inches, extending approximately forty-eight (48) inches in the public right-of-way of 22 Church Avenue, S. W., from property bearing Official Tax No. 1012317, upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36647-031504. The motion was seconded by Mr. Dowe.

The Vice-Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion or comments by Council Members, Ordinance No. 36647-031504 was adopted by the following vote:

AYES:	Council	Members	Fitzpatrick,	Wyatt,	Bestpitch,	Cutler,	Dowe	and
Vice-Mayor I	Harris							-6.

NAYS: None-----0

AYES: Council Members Fitzpatrick, Wyatt, Bestpitch, Cutler, Dowe and Vice-Mayor Harris6.
NAYS: None0.
(Mayor Smith was absent.)
OTHER BUSINESS:
ROANOKE CIVIC CENTER-SPORTS ACTIVITIES: Ms. Christy M. Lovelace, 1015 11th Street, N. E., presented petitions in support of keeping the Roanoke Express hockey team in Roanoke Valley for another season.
HEARING OF CITIZENS UPON PUBLIC MATTERS: The Vice-Mayor advised that Council sets this time as a priority for citizens to be heard, and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.
(No citizens had registered to speak.)
There being no further business, the Vice-Mayor declared the meeting adjourned at 7:20 p.m.
ATTEST
ATTEST:
Mary F. Parker City Clerk Ralph K. Smith Mayor



### CITY OF ROANOKE OFFICE OF THE MAYOR

215 CHURCH AVENUE, S.W., ROOM 452 ROANOKE, VIRGINIA 24011-1594 TELEPHONE: (540) 853-2444 FAX: (540) 853-1145

April 19, 2004

The Honorable Vice-Mayor and Members of the Roanoke City Council Roanoke, Virginia

**Dear Members of Council:** 

This is to request a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

Sincerely,

Ralph K. Smith

Mayor

RKS:snh



RALPH K. SMITH Mayor

### **CITY OF ROANOKE**

### CITY COUNCIL

215 Church Avenue, S.W.
Noel C. Taylor Municipal Building, Room 456
Roanoke, Virginia 24011-1536
Telephone: (540) 853-2541
Fax: (540) 853-1145

Council Members:
William D. Bestpitch
M. Rupert Cutler
Alfred T. Dowe, Jr.
Beverly T. Fitzpatrick, Jr.
C. Nelson Harris

Linda F. Wyatt

April 19, 2004

The Honorable Mayor and Members of the Roanoke City Council Roanoke, Virginia

Dear Mayor Smith and Members of City Council:

Subject: 2004-05 RVTV Budget

The City of Roanoke, the County of Roanoke and the Town of Vinton jointly operate Roanoke Valley Television (RVTV). The initial equipment and facilities for the television station were funded through a \$480,000 capital grant from Cox Communications. The station is located at the Jefferson Center and currently employs five full-time staff members. The staff produces videos and shows for the local governments and school systems and cablecasts them, along with government meetings, on Cox Communications' Channel 3.

On June 8, 1992, City Council approved the Roanoke Valley Regional Cable Television Agreement, which requires that the RVTV Operating Budget be approved by the governing bodies of the city, county, and the town. Funding for the Operating Budget is shared by the three governments, based on the annual proportion of Cox subscribers located in each jurisdiction.

During 2003, RVTV produced 12 Inside Roanoke shows, 12 Spotlight on City Schools, 24 City Council meetings and 30 original video productions for the City of Roanoke.

The Roanoke Valley Regional Cable Television Committee approved the attached RVTV Operating Budget for Fiscal Year 2004-05 at its March meeting. This budget amounts to \$293,865.00 and is a seven percent increase from the current year's budget of \$273.614.00. The increase excluding Personal Services (VRS Retirement, Salaries, Health Insurance, etc.) is \$3,624.00 or four percent. The majority of the increase occurs in Retirement – VRS line item. The 2003-04 rate was 7.5 percent. The 2004-05 rate is 13.5 percent, which is a \$9,403.00 increase.

The Honorable Mayor and Members of the Roanoke City Council April 19, 2004 Page 2

Cox Communications paid a five percent franchise fee to the local governments in 2003, which amounted to \$1,818,001.00. The local governments have traditionally agreed to allocated up to 20 percent of the franchise fees collected to the RVTV Operating Budget. For the coming year, that amount would be \$363,300.00. RVTV's requested budget of \$293,865.00 is \$69,435.00 less than that amount.

Cox calculates the percentage of subscribers in each locality (as of December 31, 2003) as follows:

Locality	Subscribers		Percentage (%)
City of Roanoke	32,295	55	
Roanoke County	23,664	40	
Town of Vinton	2,718	5	

Based on these figures, each locality's contribution to the Operating Budget would be as follows:

Locality	Contribution
City of Roanoke	\$161,626.00
Roanoke County	\$117,546.00
Town of Vinton	\$14,693.00

On behalf of the City's representatives to the Roanoke Valley Regional Cable Television Committee, and as the City Council representative to the Committee, I am pleased to recommend that City Council approve the proposed RVTV budget for Fiscal Year 2004-05 in the amount of \$293,865.00, with the City's contribution totaling \$161,626.00.

Alfred Dowe I

Council Member

Sincerely

ATDjr:lsw Attachment CC: Darlene L. Burcham, City Manager
Jesse A. Hall, Director of Finance
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
Sherman Stovall, Acting Director Management and Budget
Elaine Simpson, Cable Access Director
Mike Pedelty, Director of Community Relations, Cox Communications
Gary E. Tegenkamp, Assistant City Attorney
Larry Brown, Public Information Officer
Laurie Smith Wood, Roanoke Valley Cable Television Committee

To: Roanoke Valley Regional Cable Television Committee

From: Elaine Simpson, Cable Access Director

Date: February 25, 2004

Re: FY 2004-2005 RVTV Budget Proposal

Attached is the budget proposal for Roanoke Valley Television FY 2004 –2005. The Cable T.V. Operations Committee reviewed the budget on Tuesday, February 17, 2004.

### **BACKGROUND INFORMATION:**

Roanoke Valley Television, RVTV Channel 3, is a Government & Educational Access Station serving the City of Roanoke, Roanoke County, the Town of Vinton and their respective school systems. The operational budget for RVTV is provided by the three governments, based on the proportion of Cox customers located in each jurisdiction.

Currently, RVTV employs five full time staff members. The staff produces original videos, monthly television shows, and covers live government meetings.

Roanoke Valley Television produced the following for 2003 – 2004:

### • 51 Original Television Shows

(12) Inside Roanoke, (12) Roanoke County Today, (12) Spotlight On City Schools, (12) Accent Excellence, (3) Roanoke County Business Partners

#### • 58 Government Meetings

(24)Roanoke City Council, (23) Roanoke County Board of Supervisors and others

### • 57 Original Video Productions

Ex. Roanoke County Partnerships, Urban Water Cycle, Education Foundation, Vinton Student Government Day

Additionally, Roanoke Valley Television covered numerous special events including ground breaking, ribbon cutting, and dedication ceremonies and news conferences.

The approximate rate for video production work in the private sector is \$1,000 per finished minute. Roanoke Valley Television produced a total of 108 Video Productions last year for the three localities and their school systems.

### **SUMMARY OF INFORMATION:**

The proposed RVTV FY 2004–2005 Operating Budget is \$293,865 which is a \$20,251 (+7%) increase over last year's budget. The increase excluding Personal Services (VRS Retirement, Salaries, Health Insurance etc.) is \$3,624 (+4%).

The majority of the increase occurs in the Retirement – VRS line item. The 2003–2004 rate was 7.5%. The 2004-2005 rate is 13.5% which is a \$9,403 increase.

On February 28, 2005, RVTV's lease at the Jefferson Center will expire. Our current rent is \$2,489.99 per month (3,800 sq. feet at \$7.87 per sq. foot). Beginning March 1, 2005, the new monthly rent has been estimated by Hall & Associates at \$3,008.33 per month (\$9.50 per sq. foot). The FY 2004-2005 Operating Budget reflects this increase.

This budget includes funding for closed captioning services for both the City Council and Board of Supervisors meetings.

Cable Television staff is carried on the County's payroll and benefit system and will receive the same salary increase and insurance costs as County employees.

RVTV expended 99.89% of its FY 2002-2003 Operating Budget and had a Remaining Balance of \$294.55.

#### **FISCAL IMPACT:**

The total RVTV budget request is \$293,865 which is a \$20,251 increase from last year or +7%. The increase excluding Personal Services (VRS Retirement, Health Insurance, Salaries, etc.) from last year is \$3,624.00 (+4%).

Cox Communications paid a 5% Franchise Fee to the local governments in 2003 which totaled \$1,818,001. The local governments have informally agreed to allocate up to 20% of the Franchise Fees collected to the RVTV Operating Budget. For the coming year, that amount would be \$363,300. RVTV is requesting an Operating Budget of \$293,865.

Cox calculates the percentage of subscribers (December 31, 2003) in each locality as follows:

Locality	Subscribers	Percentage
City	32,295	55%
County	23,664	40%
Vinton	2,718	5%

Based on those figures, each locality's contribution to an Operating Budget of \$293,865 would be as follows:

	2003 – 2004 Budget	2004 – 2005 Budget
City	\$150,488	\$161,626
County	\$109,446	\$117,546
Vinton	\$13,681	\$14,693

### **RECOMMENDATION:**

The Cable TV Operations Committee recommends that the Roanoke Valley Cable Television Committee approve the budget request in the amount of \$293,865.

# Roanoke Valley Television R.V.T.V. Channel 3



2004 - 2005 Operating Budget Proposal

### RVTV 2003 Productions Edited Videos

Title	Client	Length
Accent Excellence Promo	County Schools	:30
Blue Ridge Parkway Visitor's Center	Roanoke County	6:06
(4) Blue Ridge Technical Academy PSAs	City Schools	:30 each
Book Festival PSA	City of Roanoke	:30
Bulk & Brush Pickup	Roanoke County	3:23
Business Recycling PSA	City of Roanoke	:30
Citizen of the Year PSA	City of Roanoke	:30
City Schools - Convocation Speech	City Schools	30:00
Convention & Visitors Bureau	City of Roanoke	6:58
DARE Camp Music Video	City of Roanoke	8:22
Earth Summit Recycling PSA	City of Roanoke	:30
Education Foundation	Roanoke County Schools	8:23
(2) Environmental Awareness Video	Roanoke County	20:00 each
Film Festival Halloween Bash PSA	Roanoke County	:30
Fire Hydrant Flow Test	City of Roanoke	12:00
Focus On Crime Prevention	Roanoke County	6:30
(3) HEAT PSAs	City of Roanoke	:30 each
Hidden Valley High School	County Schools	34:35
HOSTS Program PSA	City Schools	:30
Inside Roanoke Promo	City of Roanoke	:30
Laptop Initiative	County Schools	7:00

# **RVTV 2003 Productions Edited Videos**

Title	Client	Length
(2) Libraries In Action	City of Roanoke	6:00 each
New Voting Technology	Roanoke County	5:45
Recruitment Day PSA	City of Roanoke	:30
Renaissance Faire PSA	Roanoke County	:30
Roanoke County Partnerships (Parks & Rec.)	Roanoke County	7:00
Roanoke County Today Promo	Roanoke County	:30
(4) Safety Orientation Videos	City Schools	90:00 TRT
Social Services Informational Video	Roanoke county	2:17
Sowing The Seeds Of Regionalism	Roanoke County	6:25
Spotlight On City Schools Promo	City Schools	:30
State of the City Address	City of Roanoke	30:00
State of the County Address	Roanoke County	30:00
State of the Town Address	Town of Vinton	15:53
Tons of Fun PSA	Roanoke County	:30
Updated Orientation Video	City of Roanoke	12:00
Updated Specialty Center Video	County Schools	10:30
(2) Urban Water Cycle Videos	City of Roanoke	12:46 & 5:10
Valley Metro PSA	City of Roanoke	:30
Vinton Student Government Highlight Video	Town of Vinton	36:00
VIP Schools Video	County Schools	8:40
(2) Vision Film Festival PSAs	Roanoke County	:30 each

# **RVTV 2003 Productions Edited Videos**

Title	Client	Length
Vision Film Festival Promotional Video	Roanoke County	8:23
William Byrd Football PSA	County Schools	:30
Youth Sports Coaching Video	Roanoke County	12:00

### **2003 Shows**

Total	Title	Client	Time
12	Inside Roanoke	City of Roanoke	30:00 each
12	Roanoke County Today	Roanoke County	30:00 each
12	Spotlight On City Schools	Roanoke City Schools	30:00 each
12	Accent Excellence	Roanoke County Schools	30:00 each
3	Roanoke County Business Partners	County of Roanoke	30:00 each

### **Total Productions**

<b>Total Productions</b>	City of Roanoke	Roanoke County	Town of Vinton
108	54	52	2
Percentage	50%	48%	2%

### **2003 Meetings**

Totals	Meetings
24	City Council Meetings
23	Board of Supervisors Meetings
1	Roanoke City Schools - School Board Interviews
1	City Council Meeting (Civic Center)
1	State of the City Address
1	Victory Stadium Public Forum
1	Joint CC/BOS Meeting - Water Authority
1	Town Meeting - Alliance for Virginia's Students
1	Youth Forum Meeting
1	State of the County Address
1	Roanoke County Investiture Ceremony
1	Vinton Student Government Day
1	State of the Town Address

### **RVTV Productions 2002 & 2003**

	2002	2003	Increase/Decrease
Video Productions	49	57	+8 (+16%)
Meetings	58	58	0
Shows	53	51	-2

### RVTV Proposed 2004 – 2005 Budget

		2003-2004 Budget	Proposed	Remaining Balance	% Expended
1010	<b>Regular</b> (Actual 147,446 + 2.5%)	146,668.00	151,132.00	70,781.12	51.74
2100	FICA (Employer 7.65%)	11,220.00	11,562.00	5,764.50	49.16
2200	Retirement – VRS	11,000.00	20,403.00	5,479.76	50.18
2200	(13.5% 2004 Rate 7.5% 2003 R	•	20,103.00	3,177170	50.10
2202	Deferred Comp Match	480.00	480.00	240.00	50.00
2300	Group Health Insurance (+10%)	24,183.00	26,601.00	12,166.68	49.69
2310	Group Dental Insurance	904.00	904.00	493.48	45.41
3013	Professional Services – Other	26,000.00	27,500.00	15,606.42	39.98
	(Closed Captioning, Dubbing etc.)	<b>,</b>	,	_ <b>,</b>	
3204	Repairs Vehicles (By Garage)	300.00	300.00	235.00	21.67
3209	Repairs (Other Equipment)	2,000.00	2,000.00	1,686.77	15.66
3305	Maintenance Service Contracts	2,220.00	1,995.00	1,861.92	16.13
	(Telephone & Non-Linear Editing)		ŕ	•	
5210	Postage	150.00	150.00	103.26	31.16
5230	Telephone	4,150.00	4,000.00	2,551.23	38.53
5235	Cellular Phones	480.00	480.00	330.90	31.06
5236	Pager Services	243.00	243.00	122.58	49.56
5305	Motor Vehicle Insurance	1,365.00	1,365.00	94.00	93.11
5308	General Liability Insurance	2,121.00	2,121.00	718.00	66.15
5410	Lease/Rent of Equipment	800.00	800.00	502.50	37.19
5420	Lease/Rent of Buildings	29,880.00	31,954.00	14,940.06	50.00
5501	Travel (Mileage)	200.00	200.00	161.12	19.44
5520	Dinner Meetings & Luncheons	150.00	150.00	40.23	73.18
5801	Dues & Association Membership	300.00	275.00	262.12	12.63
6010	Office Supplies – General	900.00	900.00	452.43	49.73
6013	Small Equipment & Supplies	2,500.00	2,500.00	417.07	83.32
6014	Video Supplies	4,500.00	4,700.00	2,920.37	35.10
6080	Gas, Oil & Grease	600.00	850.00	363.41	39.43
6091	Tires, Tubes Parts	300.00	300.00	189.29	36.90
	Total	\$273,614.00	\$293,865.00	\$138,424.22	49.41

Increase from last year: \$20,251 or 7%

Increase Excluding Personal Services (VRS Retirement, Salaries etc.): \$3,624 or 4%

RVTV expended 99.89% of its FY2002-2003 Operating Budget and had a Remaining Balance of \$294.55.

<sup>\*</sup> Year to Date Expenditures
For the 06 Month Period Ended 12/31/03

## **RVTV Financial Report Current Account Balances as of December 31, 2003**

213200 (Operating Budget)	. \$138,424
213300 (Cox Cable Capital Grant)	. \$47,348
213500 (RVTV Year-End Rollover Account)	. \$147,581

Account 213500 (RVTV Year-End Rollover) represents the unused funds from the Operating Budget since 1991. RVTV does not lose these funds at the end of the fiscal year, rather they are rolled over into this savings account which will be used for future capital purchases.

### **Cox Communications 2003 Franchise Fees**

Cox Communications paid a 5% Franchise Fee to the local governments in 2003 which totaled \$1,818,001. The local governments have informally agreed to allocate up to 20% of the Franchise Fees collected to the RVTV Operating Budget. For the coming year, that amount would be \$363,300. RVTV is requesting an Operating Budget of \$293,865.

Cox calculates the percentage of subscribers (December 31, 2003) in each locality as follows:

Locality	Subscribers	Percentage
City	32,199	55%
County	23,664	40%
Vinton	2,718	5%

Based on those figures, each locality's contribution to an Operating Budget of \$293,865 would be as follows:

	2003 – 2004 Budget	2004 – 2005 Budget
City	\$150,488	\$161,626
County	\$109,446	\$117,546
Vinton	\$13,681	\$14.693

### D.T.

### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION approving the recommendation of the Roanoke Valley Regional Cable Television Committee to approve the annual operating budget for Fiscal Year 2004-2005 for the operation of the regional government and educational access station, Roanoke Valley Television (RVTV, Channel 3), and for the City to provide partial funding.

WHEREAS, the Roanoke Valley Regional Cable Television Committee (Committee) has reviewed and approved the annual budget for the Fiscal Year 2004-2005 for the operation of RVTV and has requested that the City of Roanoke approve that budget;

WHEREAS, the Committee is comprised of representatives from the City of Roanoke, Roanoke County, and the Town of Vinton and these jurisdictions have agreed to provide funding for the purposes for which the Committee was created, including the support of the operation of a regional government and educational access station, RVTV;

WHEREAS, such jurisdictions have agreed to provide funding as provided for in the agreement creating the Committee and the Committee has recommended that the City of Roanoke provide partial funding to RVTV in the amount of \$161,626.00, which is within the limits provided for in the agreement; and

WHEREAS this Council desires to approve the recommendation of the Committee and provide partial funding as requested by the Committee.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The annual budget of \$293,865.00 for Fiscal Year 2004-2005 for the operation of the

regional government and regional educational access station, RVTV, as set forth in a letter to this Council dated April 19, 2004, is hereby approved.

2. The amount of \$161,626.00 will be provided by the City of Roanoke as its prorata share for the annual operational budget for RVTV for the Fiscal Year 2004-2005 as requested in the letter to this Council dated April 19, 2004.

ATTEST:

City Clerk.



### **CITY OF ROANOKE** OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

April 19, 2004

Honorable Ralph K. Smith, Mayor, and Members of City Council Roanoke, Virginia

Dear Mayor Smith and Members of Council:

Subject:

**Electronic Voting** 

System

This is to request space on Council's regular agenda for a 15-minute briefing on the above referenced subject.

Respectfully submitted,

Darlene L. Burcham

City Manager

DLB:sm

c:

City Attorney

Director of Finance

City Clerk



### **CITY OF ROANOKE**OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

April 19, 2004

Honorable Ralph K. Smith, Mayor, and Members of City Council Roanoke, Virginia

Dear Mayor Smith and Members of Council:

Subject:

Briefing on Fiscal Year 2005

Recommended Budget

This is to request space on Council's agenda for a briefing on the above referenced subject.

Respectfully submitted,

Darlene L. Burcham

City Manager

DLB:vst

c: William M. Hackworth, City Attorney Jesse A. Hall, Director of Finance

Mary F. Parker, City Clerk

Sherman M. Stovall, Acting Director of Management and Budget



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April 19, 2004

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable William D. Bestpitch, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr. Council Member Honorable Beverly T. Fitzpatrick, Jr. Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of Council:

Subject: RNA By-Laws and Strategic Business Plan

At the January 20, 2004 Council Meeting, Mr. Carl Cooper, Chair of the Roanoke Neighborhood Advocates (RNA) presented the RNA's By-Laws and Strategic Business Plan for consideration. City Council referred the documents to the City Manager for staff review and to the City Attorney for preparation of the proper measure for consideration by Council at its regular meeting. RNA is seeking City Council approval. Enclosed are the revised documents.

Respectfully submitted,

Darlene L. Burcham City Manager

DLB:me

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Rolanda Russell, Assistant City Manager for Community Development
Mike Etienne, Director of Housing and Neighborhood Services
Carl Cooper, Chair of the Roanoke Neighborhood Advocates

# CM04-00061



### ROANOKE NEIGHBORHOOD ADVOCATES CITY OF ROANOKE

### BY-LAWS AND RULES OF PROCEDURE

### I. Purpose

The following by-laws and rules of procedure are adopted by the Roanoke Neighborhood Advocates ("RNA") to facilitate the performance of its duties and the exercise of its powers as set forth in Roanoke City Council Resolution 36397-061603 adopted June 16, 2003.

### II. Members, Officers and Duties

- A. <u>General</u>. The RNA shall consist of thirteen (13) members, seven (7) of which shall be appointed by City Council. The seven Council-appointed members shall select 6 additional members. All members shall serve rotating 3-year terms pursuant to Council Resolution 36397-061603. Members are eligible to be re-appointed for up to three consecutive full terms.
- B. <u>Chair</u>. The RNA shall elect a Chair by majority vote from among its members. The term of the Chair shall be for one year beginning as of the first meeting in January of each year, or until a successor is elected, and the Chair shall be eligible for re-election. The Chair shall preside at meetings of the RNA, decide all matters of order and procedure, subject to the rules and by-laws of the RNA, unless directed otherwise by a majority of the RNA in session at the time, and in the case of petitions brought before the full RNA, the Chair shall execute all rulings issued on behalf of the full RNA.
- C. <u>Vice-Chair</u>. A Vice-Chair shall be elected by the RNA from among its members in the same manner as the Chair. The term of the Vice-Chair shall be for one year beginning as of the first meeting in January of each year or until a successor is elected, and the Vice-Chair shall be eligible for re-election. The Vice-Chair shall act for the Chair in the Chair's absence. In the event the Chair is not available to execute any rulings issued on behalf of the full RNA pertaining to matters decided by the RNA and presided over by the Chair, the Vice-Chair may execute the same if the Vice-Chair was present at the RNA's meeting at which such matters were decided.

D. Secretary. A Secretary shall be elected by the RNA from among its members in the same manner as the Chair. The term of the Secretary shall be for one year beginning as of the first day of January or until a successor is elected, and the Secretary shall be eligible for re-election. The Secretary, subject to the direction of the Chair and the RNA, shall keep all records, serve notice to all members of all meetings, prepare an agenda for such meetings, conduct all correspondence of the RNA, and generally supervise the clerical work of the RNA. The Secretary shall keep the minutes of each meeting of the RNA and file them with the City Clerk. These minutes shall show the record of all important facts pertaining to every meeting, every decision acted upon by the RNA, and the total vote for or against any resolution or other matter, indicating the names of members absent or failing to vote. The Secretary shall record all rulings issued by the RNA. The Secretary shall notify the City Clerk promptly if any vacancy occurs in the membership of the RNA

### II. Meetings

- A. Regular Meetings. Unless otherwise notified, regular meetings of the RNA shall be held on the third Monday of each month at 4:30 p.m. in the official meeting room designated by the RNA, provided that upon a decision of the RNA, an adjourned meeting may be held at any other place in the City. The annual meeting for the election of officers of the RNA shall be held at the regular meeting in the month of December each year, or as soon thereafter as is possible.
- B. <u>Attendance</u>. Members absent from three (3) regular meetings within a twelve (12) month period may be considered for removal from the RNA. Upon a three-fourths affirmative vote of the entire RNA membership a recommendation to City Council may be made to remove the member.
- C. <u>Special Meetings</u>. Special meetings of the RNA may be called at any time by the Chair by written notice given personally to each member or left at their place of residence not less than twenty-four (24) hours prior to the time fixed for the meeting. If all members of the RNA are present at the special meeting, then the requirements as to prior notice shall be deemed to be waived.
- D. Quorum and Vote. Seven members of the RNA shall constitute a quorum, and no action of the RNA shall be valid unless authorized by a majority of those present and eligible to vote. A tie vote is to be construed as a denial of the requested action. No member's vote on any matter may be cast by proxy.

- E. <u>Conduct of Meetings</u>. All meetings shall be open to the public; provided, however, that closed meetings may be held in compliance with the Virginia Freedom of Information Act. The order of business at regular meetings shall be as follows:
  - a. Roll Call
  - b. Reading and Approval Of Minutes
  - c. Reports Of Officers and Standing Committees
  - d. Reports Of Special (Select or Ad Hoc) Committees
  - e. Special Orders
  - f. Unfinished Business and General Orders
  - a. New Business
  - h. Open Forum
  - i. Announcements
  - j. Program
  - k. Adjournment

### III. Procedure for Submitting Advocacy Petitions to RNA

- A. Advocacy Petitions. Advocacy petitions are methods by which citizens or neighborhood groups can request the RNA to advocate on a particular issue on their behalf. All advocacy petitions must be submitted to the Secretary at least fifteen (15) calendar days prior to the next regular meeting of the RNA in order to allow the RNA adequate time to study the petition.
- B. <u>Content of Petitions</u>. Advocacy petitions must be on forms provided by the Secretary. Petitions must be in sufficient detail to inform the RNA of the nature of such request and must be accompanied by specifications and descriptions, etc., of the proposed advocacy. The Secretary shall determine whether a petition is in sufficient detail to be forwarded to the RNA for consideration.
- C. <u>Notice to Citizens</u>. At least one week prior to the meeting at which the matter will be heard, the Secretary will notify citizens through established communication channels.

### IV. Consideration of Advocacy Petitions

A. Order of Business. The petitioner may appear in person or by the petitioner's representative at a meeting to present the petition to the RNA for consideration. The petitioner, or the petitioner's representative, shall appear before the RNA to present any advocacy petitions at the meeting at which the petition is presented. The order of business for consideration shall be as follows:

- 1. The Chair, or such person as the Chair shall direct, shall give a preliminary statement concerning the petition;
- 2. The petitioner shall present the facts in support of the petition;
- 3. Statements submitted by any official, commission, or department of the City, any state agency, or any local historical, preservation or neighborhood association pertaining to any petition shall be given as directed by the Chair;
- 4. Comments by other interested persons;
- 5. The RNA shall thereafter proceed to deliberate whether to consider the petition or to deny it. In order to expedite a decision on all matters presented to the RNA, it shall be the practice of the RNA when in regular or special meetings to consider that all items on the agenda are automatically moved by the entire membership. The Chair may call for a vote on the items as filed with the Secretary, or as amended at the regular or special\_meeting, at the conclusion of discussion without calling for a formal motion by any member present. Any member may, upon the Chair calling for a vote on an item, move that the item be amended.
- 6. The RNA shall vote and announce its decision to consider or not consider the petition not later than fifteen (15) calendar days after the conclusion of the meeting on a petition unless the time is extended with the written consent of the applicant.
- 7. A member of the RNA may vote on a petition which he or she files for consideration by the RNA.
- 8. Procedures may be modified by the Chair with the concurrence of a majority of the RNA.
- B. <u>Findings</u>. All decisions of the RNA shall be supported by appropriate findings of fact, and, where necessary to effectuate the purposes of the decision, shall be accompanied by such conditions and/or recommendations as it may determine to be reasonable under the circumstances. In considering petitions, witnesses may be called and factual evidence may be submitted, but the RNA shall not be limited to consideration of such evidence as would be admissible in a court of law.
- C. <u>Decision to Consider</u>. If the RNA decides to consider the advocacy petition, the RNA shall forward a memo to the Director of Housing and Neighborhood Services requesting a staff report regarding the advocacy issue.

### V. RNA Advocacy Decision

After the RNA has decided to consider the advocacy petition, the RNA shall deliberate on whether it should advocate or not advocate on behalf the petitioner.

- A. <u>Deliberation</u>. The RNA shall review the findings and staff report, thereafter deliberate and render a decision to either advocate or not advocate on behalf of the petitioner.
- B. <u>Disapproval and Rehearing</u>. In case of disapproval of an advocacy petition, the RNA shall briefly state its reasons in writing, and it may make recommendations to the petitioner with respect to the appropriateness of the advocacy involved. In case of disapproval accompanied by recommendations, the petitioner may again be heard before the RNA, if within ninety (90) days, the petitioner files an amended petition that addresses the recommendations of the RNA. Otherwise, having once considered a petition, the RNA shall not hear substantially the same petition for one year.

### VI. Advocacy Protocol

- A. All RNA decisions to advocate shall be subject to the RNA's established rules and procedures, which includes that a member of the RNA may vote on a petition which he or she files for consideration to the RNA.
- B. All decisions to advocate on an issue on behalf of a petitioner shall become the official policy of the RNA and may not be changed except by a three-fourths affirmative vote of the entire RNA membership.

### VII. Parliamentary Authority

The rules contained in the latest revised edition of Robert's Rules of Order shall govern the RNA in all cases in which they are applicable and in which they are not inconsistent with the by-laws and rules of procedure of the RNA.

### VIII. Amendments

These rules may, within the limits allowed by law, be amended at any time by an affirmative vote of not less than three-fourths of the entire thirteen (13) RNA members. However, any amendment to the by-laws will occur only after the

members have had an opportunity to consider the amendment, in writing, for at least the period of time between two regular meetings of the RNA. A copy of all amendments shall be forwarded to City Council at its next regular meeting.

Chair	Date	
Secretary	Date	



### Strategic Business Plan for Roanoke Neighborhood Advocates

### **Executive Summary**

Roanoke City Council established the Roanoke Neighborhood Advocates committee (RNA) in August 2003 to, among other things, encourage the growth, in number and capacities, of wide varieties of neighborhood organizations. The committee replaced the former Roanoke Neighborhood Partnership Steering Committee, which was abolished as part of a restructuring of city departments related to housing and neighborhood services.

Council appointed seven members to the Advocates Committee and gave those seven the task of selecting six more members for a total Committee membership of thirteen. The RNA is charged with fulfilling eight goals, defined as "duties and responsibilities" in Resolution 36397-061603 passed June 16, 2003, by Roanoke City Council.

The committee has laid out the following preliminary plan to accomplish these goals and expects to modify the plan as more information becomes available to the committee through its outreach to neighborhoods and neighborhood groups.

The first step for the committee was to complete its membership with citizens willing to meet the demands of research and outreach required to create a strong RNA. The committee has tried to assure it has an active committee by including expectations for attendance at meetings in the bylaws. The committee expects to select its final three members at the January meeting when its new officers begin their terms.

The RNA goals divide into four categories: preparation of documents, transfer of information from neighborhoods to the city or city-associated groups, transfer of information from government to neighborhood groups and outreach and interaction with neighborhood organizations.

To meet those goals and to create an advocates group that can be a model for other communities, the RNA has outlined the following base for an overall strategic plan:

- Create, develop, implement and maintain a strategic business plan that directs the
  activities of the organization toward effective advocacy on behalf of the neighborhoods
  of Roanoke
- Establish committees to oversee preparation of an annual State of the Neighborhoods report due to council in May, administration of the Neighborhood Grant Program, and facilitation of meetings related to revitalization programs, such as those underway in Gainesboro and Gilmer-NNEO neighborhoods
- Develop a plan-of-action that raises the profile of RNA by assigning members to attend
  meetings of specific neighborhood groups, by having members rotate as writers of a
  regular column in a Housing & Neighborhood Services newsletter, and by creating
  RNA letterhead and an RNA web presence complete with contact information for
  members

- Structure a training program for RNA members whereby two members (one voting and one as observer) are assigned to any RNA representation request, such as membership on the Community Development Committee.
- Develop and encourage training for neighborhoods in how to organize and maintain groups, how to write grants, and even how to create a newsletter; this training is to draw heavily on the resources that already exist in established Roanoke neighborhood groups, and open avenues for the introduction of additional regional, state and national expertise.
- Identify groups whose concerns overlap those of RNA, such as health, library, parks and recreation, and work with those groups to get RNA members and all neighborhood groups as much information as possible about the community.

The RNA's strategic plan constitutes a blueprint for building on the goals set forth in Roanoke's Vision 20/20 and the city's various neighborhood plans with the aim of creating World Class neighborhoods. World Class neighborhoods are diverse neighborhoods where citizens of all ages are safe, have access to quality education and affordable housing, and where residents have knowledge about issues and the wherewithal to make their voices heard by government. The plan that follows is the initial planning effort toward the strategic goals established for RNA.

#### Mission

The mission of the Roanoke Neighborhood Advocates is to advocate for the wishes, wants, needs and desires of Roanoke's neighborhoods and neighborhood organizations and ensure that the best interests of all Roanoke neighborhoods are effectively presented.

#### Goals:

The RNA is charged with fulfilling eight goals, defined as "duties and responsibilities" in Resolution 36397-061603 passed June 16, 2003, by Roanoke City Council. The goals divide into four categories:

- preparation of documents,
- transfer of information from neighborhoods to the city or city-associated groups,
- transfer of information from government to neighborhood groups
- outreach and interaction with neighborhood organizations.

### Strategies for accomplishing goals:

Some of the goals set for this committee are bound by deadlines, which required decisions before the goals could be fully studied or even before a full committee could be assembled. Because of this, these initial steps to fulfill a goal are to be considered interim steps that further the goal, but do not represent the fullest methods for achieving the goal. The committee is committed to constantly revisit and update its strategic plan.

### **Measurements for Goals:**

The RNA committee has made a commitment to establish measurements for actions taken to meet goals and even set a measurement for member participation by creating a bylaw that says a member who misses more than three meetings in a 12-month period may be considered for removal from the RNA. Upon a three-fourths affirmative vote of the entire RNA membership a recommendation to City Council may be made to remove the member.

### Breakdown of Goals and Actions by Category:

#### Category 1: Document preparation and/or review

### Goal 1: Establish an overall plan of operation

Create, develop, implement and maintain a strategic business plan that directs the activities of the organization toward effective advocacy on behalf of the neighborhoods of Roanoke

**Strategy:** Write an initial strategic plan that sets up a structure that can be expanded as information is collected on neighborhood needs, issues.

**Action:** This document, which shall be called a working document because plans must be adjusted and must evolve, addresses this goal. It was prepared for submission to Roanoke City Council before the end of 2003.

Goal 2: Oversee preparation of an annual State of the Neighborhoods report to council and have the report meet requirements of Action NH A10 and A11 of Vision 2001-2020 Due in May (A10 requires: Develop indicators for neighborhood health and sustainability. A11 requires: Involve neighborhood organizations, civic groups, and businesses in the development and implementation of neighborhood plans.)

**Strategy:** Become familiar with neighborhood plans by reading the plans and by attending public forums for the plans. Where plans have not been officially adopted and made part of the Comprehensive Plan, interact with the planning process and ensure that adequate resources are available and directed toward the democratic acquisition of legitimate neighborhood will regarding issues of self-determination.

Action: Each RNA member will attend the public forums for the plans for the neighborhoods for which the RNA member serves as liaison. Where no public forums are planned, the RNA member will read already existing plans developed by the city or discuss neighborhood issues with neighborhood leaders and city staff assigned to review those neighborhoods.

**Strategy:** Establish indicators, based on nationally recognized criteria, which measure the overall health and vitality of each Roanoke neighborhood and, by extension, the overall health and vitality of the City of Roanoke.

**Action:** In collaboration with City administration and additional public and private local, regional, state and national resources, develop and/or adopt healthy community indices, and establish and implement methodologies to collect data sufficient to support annual State of the Neighborhoods Report conclusions.

Goal 3: Oversee the administration of the Neighborhood Grant Program, such funds granted under the Neighborhood Grant Program to meet criteria established by the RNA. First round due in January 2004.

**Action:** RNA committee voted the following guidelines for considering grants:

- 1. Grants are to be considered against the city's Vision 2020 plan
- 2. Grants are to be considered that include criteria that will advance Roanoke's status as an All America City
- 3. Grants must include performance measurements.
- 4. Grants are open to all organizations whose primary focus is on neighborhoods or whose project significantly impacts the overall improvement of a neighborhood.

Action: RNA members, including Vice Chair-elect Sandra Kelly, Secretary-elect John Renick, and members Shirley Bethel and Bob Caudle, took part in a grants training program for neighborhood leaders in December 2003. The training was open to all organizations and advertised so as to attract new organizations interested in funding opportunities to assist in their neighborhood improvement efforts.

**Action:** Established Grants subcommittee chaired by John Greissmayer. This committee will have 5 members. Three members will be RNA Advocates and two members will be non-RNA citizens. Neighborhood and Housing Services and the Office of Management and Budget will staff the committee.

#### Category 2: Outreach to neighborhoods and interaction with groups

Goal 1: Assist and work with the Department of Housing and Neighborhood Services in recruitment of volunteers, outreach and support to neighborhoods and neighborhood organizations by serving as a liaison to neighborhood groups by regularly attending neighborhood meetings, being involved in community projects, trainings, or other activities and providing written feedback and recommendations about needs, events, and activities in neighborhoods

**Strategy:** Have each RNA member be assigned as liaison to RNA for specific neighborhood groups.

**Action:** The RNA member is to contact his or her organizations by Oct. 13, 2003, and establish a time to visit with the groups to explain the Roanoke Neighborhood Advocates group and its mission. **Goal ongoing.** 

Action: RNA members presented a draft of the survey to The President's Council for input before distributing to various neighborhood groups. Completed Sept. 29, 2003

Action: RNA will prepare a survey that seeks to identify goals and issues in the neighborhoods. This will be distributed through neighborhood groups and other public channels. The data from the survey will be used as an aid to developing the RNA strategic plan and to development of RNA programs. Completed Sept. 14, 2003

**Action:** Begin distribution of survey to neighborhood groups Oct. 27, 2003, through RNA members' visits to public forums or neighborhood meetings.

#### Category 3: Transfer of information from neighborhoods to governmental groups:

Goal 1: Advise council and city administration concerning existing and proposed public policies affecting the vitality of neighborhoods and neighborhood organizations

**Strategy:** Research ongoing and proposed Council and Administration policy initiatives affecting the health and vitality of Roanoke's neighborhoods and neighborhood organizations. Utilizing healthy community indices, and with significant public input, prioritize results according to overall net effect on neighborhoods and neighborhood organizations and submit recommendations to Council and Administration.

**Action:** Have staff prepare glossary of ongoing and proposed Council and Administration policy initiatives.

**Action:** Engage Neighborhoods' residents to determine most important initiatives and corresponding concerns.

Action: Cross reference Neighborhood feedback with healthy community indices.

**Action:** Deliberate, with focus on well being of all Roanoke neighborhoods, and create advisory recommendations.

**Strategy:** Create and maintain formal advocacy procedure that allows all citizens equitable access to RNA advocacy process. Advocacy process will ensure that any citizen may bring any issue before the RNA. Agreement by the RNA that an issue is of significant importance to the health and vitality of all Roanoke neighborhoods will mandate that RNA begin formal advocacy actions relative to the issue brought before it.

**Action:** Establish procedural guidelines for advocacy process.

**Action:** Establish public information procedure to notify citizens of pending advocacy requests.

Action: Establish advocacy protocol to govern advocacy activities.

### Goal 2: Advise the Department of Housing and Neighborhood Services concerning neighborhoods and neighborhood organizations

Strategy: Ensure broader neighborhood participation that is more culturally inclusive.

Strategy: Facilitate institutional partnerships to focus on community goals

Strategy: Reinvigorate the importance of community building and the creation of social

capital

#### **Category 4: Transfer of information to neighborhoods**

# Goal 1: Inform neighborhood-based organizations and the public of existing and proposed public policies and courses of action that support neighborhoods and neighborhood organizations

**Strategy:** Research ongoing and proposed Council and Administration policy initiatives affecting the health and vitality of Roanoke's neighborhoods and neighborhood organizations. Utilizing healthy community indices, and with significant public input, prioritize results according to overall net effect on neighborhoods and neighborhood organizations and submit recommendations to neighborhoods and neighborhood organizations.

**Strategy:** Utilize high and low tech information publishing methods to disseminate information to neighborhood-based organizations and the public

**Action:** Create an RNA presence on the Roanoke Neighborhood Services website. **Action:** Have an RNA member write a regular column in the new Housing and Neighborhoods' newsletter

### Goal 2: Advise neighborhood-based organizations in building their organizational, administrative and advocacy capacities

**Strategy:** Improve the organizational structure and leadership development of neighborhood-based organizations.

**Action:** Determine the five best-practices organizational structure and leadership development models for neighborhood-based organizations.

**Action:** Develop and offer certified organizational structure and leadership development training and education program to all neighborhood-based organizations.

The preceding represents the RNA Committee's discussions and efforts through the end of December 2003. Regular updates of this plan will be submitted to Council quarterly or as otherwise requested. The Committee hopes to update Council in person in early 2004.

MMX

#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION approving the By-Laws and Strategic Business Plan for Roanoke Neighborhood Advocates.

WHEREAS, Roanoke Neighborhood Partnership Steering Committee was reconstituted as Roanoke Neighborhood Advocates ("RNA") by Resolution No. 36397-061603, adopted June 16, 2003, and was directed to develop By-Laws and a Strategic Business Plan to be presented to City Council for approval by December 31, 2003;

WHEREAS, by letter dated December 31, 2003, from Carl Cooper, Chair of the RNA, the RNA transmitted the proposed By-Laws and the Strategic Business Plan for approval; and

WHEREAS, at its meeting of January 20, 2004, City Council referred the RNA's By-Laws and Strategic Business Plan to the City Manager for staff review; and

WHEREAS, the RNA's By-Laws and Strategic Business Plan have been reviewed and revised as set forth in the letter dated April 19, 2004, from the City Manager to City Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke that the By-Laws and the Strategic Business Plan of RNA are hereby approved.

ATTEST:



### **CITY OF ROANOKE**OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

April 19, 2004

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable William D. Bestpitch, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Beverly T. Fitzpatrick, Jr., Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject:

Funding Request for Construction Contract for Mill Mountain Water Project

The Mill Mountain Water Project is designed to increase the storage, pressure and fire flow capacity for the top of Mill Mountain and the lvy Street neighborhood. This project consists of a 150 gallon per minute pumping station, an 84,000 gallon water storage tank, and the installation of about 5,200 lineal feet of 8-inch waterline. The new storage tank replaces two existing smaller tanks on Mill Mountain with no overall increase in height. The tank design has been reviewed by the Mill Mountain Advisory Committee.

This project was publicly advertised with four bids being received on Tuesday, March 16, 2004. The lowest responsive and responsible bid was submitted by E.C. Pace Company, Inc., of Roanoke in the amount of \$706,472, with a construction time of 180 consecutive calendar days. With the inclusion of contingency the requested amount for this project will be \$777,000.

Funding in the amount of \$777,000 is requested to complete this project and is available as follows: 1) \$180,000 in account 002-530-8397, Crystal Spring Water Treatment Construction; 2) \$200,000.00 in account 002-510-2178-9026, Unidentified Plant Replacement; and 3) \$249,537 in account

The Honorable Mayor and Members of Council April 19, 2004 Page 2

002-510-2178-9028, Water Maintenance-Painting. The balance of the funding, \$147,463 is available from Water Fund retained earnings.

#### **Recommended Actions:**

Transfer and/or appropriate funding in the amount of \$777,000 to an account to be established in the Water Fund by the Director of Finance entitled Mill Mountain Water Project.

Respectfully submitted,

Darlene L. Burchan

City Manager

DLB/mtm/jm

#### Attachment

c: Jesse A. Hall, Director of Finance
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
George C. Snead, Jr., Assistant City Manager for Operations
Michael McEvoy, Director of Utilities
Jeffery Powell, General Services Director

CM04-00067

Project No. 6540: Mill Mountain Project

Bid Date: March 16, 2004

Contractor:	E.C. Pace Bid	Littleton & Assoc. Bid	Mid State Construction Co., Inc. Bid	Aaron J. Conner, General Contractor, Inc. Bid
LUMP SUM BID PRICE (With Glass-Lined Bolted Steel Tank)	\$706,472.00	\$722,300.00	\$744,500.00	\$818,067.00
BID ALTERNATE 1:				
LUMP SUM BID PRICE (With Welded Steel Tank)	No Bid	No Bid	No Bid	\$818,067.00

#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding for the Construction Contract Award for the Mill Mountain Water Project, amending and reordaining certain sections of the 2003-2004 Water Fund Appropriations and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2003-2004 Water Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Appropriations		
Appropriated from 2002 Bond Funds	002-530-8397-9076	\$ (180,000)
Water-Unidentified Replacement	002-510-2178-9026	(200,000)
Water Maintenance-Painting	002-510-2178-9028	(249,537)
Appropriated from General Revenue	002-510-8366-9003	597,000
Appropriated from 2002 Bond Funds	002-510-8366-9076	180,000
Retained Earnings		·
Retained Earnings Available for		
Appropriation	002-3348	(147,463)

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:



# **CITY OF ROANOKE**OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

April 19, 2004

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr. Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Grandin Road Streetscapes

Council has discussed on numerous occasions improvements for the 1300 block of Grandin Road in the vicinity of Memorial Avenue which involve the installation of new curbs, sidewalks, street trees, conduit for future street lights, and new water and sewer lines. These improvements are supported by the neighborhood organizations in the area.

Two bids were received on Tuesday, March 16, 2004 with E.C. Pace Company, Inc., 1811 Hollins Road N.E., Roanoke, Virginia 24012, submitting the low bid in the amount of \$864,155.00.

Funding for the project which includes funds for miscellaneous project expenses including advertising, prints, test services, minor variations in bid quantities, and unforeseen project expenses is available as follows:

Transportation - Street Paving	001-530-4120-2010	\$ 98,650
Water - Capital Outlay	002-510-2178-9026	\$126,660
WPC - Lateral Maintenance	003-510-3170-9085	\$169,510
Traffic Signals - General	008-052-9560-9084	\$ 28,900
Capital Improvement Reserve - VDOT	008-530-9575-9210	\$164,722
Traffic Calming Initiatives	008-530-9799-9003	\$143,518
Curb, Gutter, Sidewalk #1	008-530-9804-9076	\$218,040

Total \$950,000

Honorable Mayor and Members of Council April 19, 2004 Page 2

#### Recommended Action:

Transfer and/or appropriate the required funding of \$653,830 in accordance with the amounts cited above to an account to be established in the Capital Projects Fund by the Director of Finance entitled "Grandin Road Streetscapes." Transfer funding of \$126,660 and \$169,510 to new accounts in the Water and Water Pollution Control Funds, respectively, to be similarly titled, for the utility portion of this project.

Sincerely,

Darlene L. Bu<del>rc</del>ham City Manager

#### DLB/JGB/rls

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
George C. Snead, Jr., Assistant City Manager for Operations
Robert K. Bengtson, Director of Public Works
Michael T. McEvoy, Director of Utilities
Sherman M. Stovall, Acting Director of Management and Budget
Sharon T. Gentry, Acting Purchasing Manager
Philip C. Schirmer, P.E., L.S., City Engineer

#CM04-00065



AN ORDINANCE to appropriate funding for the Grandin Road Streetscapes Project, amending and reordaining certain sections of the 2003-2004 General, Water, Water Pollution Control and Capital Projects Funds Appropriations and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2003-2004 General, Water, Water Pollution Control and Capital Projects Funds Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

C	_	n	_	ra	ı			n	A	
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Appropriations		
Transfer to Capital Projects Fund	001-250-9310-9508	\$ 98,650
Fees for Professional Services	001-530-4120-2010	( 98,650)
r des for the location and do this de	001 000 1120 2010	( 30,030)
Water Fund		
Appropriations		
Appropriated from General Revenue	002-510-8394-9003	126,660
Water-Unidentified Replacement	002-510-2178-9026	(126,660)
		, , ,
Water Pollution Control Fund		
Appropriations		
Appropriated from General Revenue	003-510-8367-9003	169,510
Sewer-Unidentified Construction	003-510-3170-9085	(169,510)
		, , ,
Capital Projects Fund		
Appropriations		
Appropriated from 2002 Bond Funds	008-530-9804-9076	(218,040)
Appropriated from General Revenue	008-052-9560-9003	( 28,900)
VDOT Match	008-530-9575-9210	(164,722)
Appropriated from General Revenue	008-530-9799-9003	(143,518)
Appropriated from General Revenue	008-530-9819-9003	435,790
Appropriated from 2002 Bond Funds	008-530-9819-9076	218,040
Revenues		= ,
Transfer from General Fund	008-110-1234-1037	98,650
		,

	Pursuant to	the provision	s of Section	n 12 of the City	/ Charter,	the second	reading
of this or	rdinance by	title is hereby	dispensed	with.			

ATTEST:



# **CITY OF ROANOKE**OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

April 19, 2004

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Council Member Honorable William D. Bestpitch, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Beverly T. Fitzpatrick, Jr., Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: VDOT Project Resolutions

The Virginia Department of Transportation (VDOT) requires City Council resolutions documenting the City's support of a project in advance of placing the project in the State's Six-Year Improvement Program (SYIP). The draft SYIP published in March by VDOT fully funds the 10<sup>th</sup> Street improvements, Wonju Street extension, and places 13<sup>th</sup> Street back into the program with partial funding in FY2005. In accordance with the 20-Year Long Range Transportation Plan endorsed by resolution at City Council's October 23, 2003 meeting, a few small projects have been added to the draft SYIP. These small projects include an intersection improvement at Riverland Road, Bennington Street, and Mt. Pleasant Boulevard, traffic signal systems equipment upgrades, and the inclusion of recently received safety grant funds for enhancements to the proposed Lick Run Greenway crossing at 10<sup>th</sup> Street.

Resolutions for the three major projects of 10th Street, Wonju Street, and 13th Street have already been established by City Council in prior years. However, the three small project awards will require separate project programming resolutions to enable the inclusion of these projects in the SYIP to be adopted by the Commonwealth Transportation Board on May 20, 2004.

Mayor Smith and Members of City Council April 19, 2004 Page 2

#### Recommended Action:

Adopt separate project programming resolutions for each of the three small projects listed above.

Respectfully submitted,

Darlene L. Burcham City Manager

#### DLB/KHK

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Sherman Stovall, Acting Director of Management and Budget
Robert K. Bengtson, P.E., Director of Public Works
Kenneth H. King, P.E., Manager, Division of Transportation

CM04-00071

المراكب

#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION requesting that the Virginia Department of Transportation establish an urban system highway project for improvements to the intersection of Riverland Road, Bennington Street and Mt. Pleasant Boulevard.

WHEREAS, in accordance with the Virginia Department of Transportation ("VDOT") construction allocation procedures, City Council must request by resolution an urban highway project in the City of Roanoke before such project may be included in VDOT's Six-Year Improvement Program.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

- 1. This Council requests VDOT to establish an urban system highway project to improve the intersection of Riverland Road, Bennington Street and Mt. Pleasant Boulevard;
- 2. This Council hereby agrees to pay its share of the total cost for preliminary engineering, right-of-way, and construction of this project in accordance with Section 33.1-44 of the Code of Virginia;
- 3. If the City of Roanoke subsequently elects to cancel this project, the City of Roanoke hereby agrees to reimburse VDOT for the total amount of the costs expended by VDOT through the date VDOT is notified of such cancellation; and
  - 4. The City Clerk is directed to transmit an attested copy of this resolution to VDOT.

    ATTEST:

55/14/24

#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION requesting that the Virginia Department of Transportation establish an urban system highway project to upgrade traffic signal equipment within the City's traffic signal systems.

WHEREAS, in accordance with the Virginia Department of Transportation ("VDOT") construction allocation procedures, City Council must request by resolution an urban highway project in the City of Roanoke before such project may be included in VDOT's Six-Year Improvement Program.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

- 1. This Council requests VDOT to establish an urban system highway project to upgrade traffic signal equipment within the City's traffic signal systems;
- 2. This Council hereby agrees to pay its share of the total cost for preliminary engineering, right-of-way, and construction of this project in accordance with Section 33.1-44 of the Code of Virginia;
- 3. If the City of Roanoke subsequently elects to cancel this project, the City of Roanoke hereby agrees to reimburse VDOT for the total amount of the costs expended by VDOT through the date VDOT is notified of such cancellation; and
  - 4. The City Clerk is directed to transmit an attested copy of this resolution to VDOT.

ATTEST:

W/1/ba

#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION requesting that the Virginia Department of Transportation establish an urban system highway project for improvements to 10th Street and the proposed Lick Run Greenway.

WHEREAS, in accordance with the Virginia Department of Transportation ("VDOT") construction allocation procedures, City Council must request by resolution an urban highway project in the City of Roanoke before such project may be included in VDOT's Six-Year Improvement Program.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

- 1. This Council requests VDOT to establish an urban system highway project to construct a pedestrian and bicycle crossing with warning devices at the intersection of 10th Street and the proposed Lick Run Greenway;
- 2. This Council hereby agrees to pay its share of the total cost for preliminary engineering, right-of-way, and construction of this project in accordance with Section 33.1-44 of the Code of Virginia;
- 3. If the City of Roanoke subsequently elects to cancel this project, the City of Roanoke hereby agrees to reimburse VDOT for the total amount of the costs expended by VDOT through the date VDOT is notified of such cancellation; and
  - 4. The City Clerk is directed to transmit an attested copy of this resolution to VDOT.

ATTEST:



### **CITY OF ROANOKE**OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

April 19, 2004

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject:

Revenue Adjustment For Outreach Detention/ Electronic Monitoring

Program

#### Background:

The City of Roanoke Outreach Detention/Electronic Monitoring Program provides court-ordered, pre-dispositional, intensive supervision of juveniles living within the community. Program services are provided to juveniles who reside in the City of Roanoke and other jurisdictions such as: Roanoke County, Botetourt, Salem, Craig County, and Alleghany County. Each outside jurisdiction pays for the services provided. The FY 2003-04 revenue estimate for Outreach detention/Electronic Monitoring Services is \$30,000. It is anticipated that actual revenue will exceed the estimate in the amount of \$18,490

#### Considerations:

In accordance with state mandates, all program revenue must be used for services that are specifically outlined in the board approved VJCCCA plan. The excess revenue must be appropriated for program activities.

Mayor Smith and Members of City Council April 19, 2004 Page 2

#### Recommended Action:

Increase the General Fund Revenue estimate by \$18,490 in revenue account number 001-110-1234-1310. Appropriate funding in the amount of \$18,490 to the following accounts:

001-631-3330-1004 Temporary Wages \$10,720 001-631-3330-3070 Equipment Rental \$7,770

Respectfully submitted,

Darlene L. Burcham City Manager

#### DLB:gb

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Rolanda Russell, Assistant City Manager
Jane Conlin, Director of Social/Human Services
Letitia E. Malone, Juvenile Justice Administrator
Michelle Campbell, Youth Counselor Supervisor

# CM04-00070



AN ORDINANCE to increase funding for the Outreach Detention/Electronic Monitoring Program, amending and reordaining certain sections of the 2003-2004 General Fund Appropriations and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2003-2004 General Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Appropriations		
Temporary Wages	001-631-3330-1004	\$ 10,720
Equipment Rental Lease	001-631-3330-3070	7,770
Revenues		
Housing Juveniles - Outreach	001-110-1234-1310	18,490

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

#### ATTEST:



### **CITY OF ROANOKE**OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

April 19, 2004

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject:

Funding for the Opportunity Knocks Grant Program

#### Background:

The Fifth District Employment and Training Consortium (FDETC), under an agreement with Virginia Department of Social Services received funding to operate the Opportunity Knocks program. Since the closing of the FDETC, the City of Roanoke Department of Social Services will be continuing the operation of Opportunity Knocks until June 30, 2004.

#### Considerations:

Employment and Training services have been provided by the Department of Social Services to assist disadvantaged individuals in obtaining full time employment with the potential of higher paying wages and fringe benefits. Services will be reimbursed through the Virginia Department of Social Services.

Mayor Smith and Members of City Council April 19, 2004 Page 2

#### Recommended Action:

Authorize acceptance of this grant award, appropriate funding totaling \$42,500 and establish a revenue estimate of \$42,500 in a grant account established by the Director of Finance.

Respectfully submitted,

Darlene L. Burcham City Manager

#### DLB:rji

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Jane R. Conlin, Director of Human Services
Rolanda B. Russell, Assistant City Manager for Community
Development

#CM04-00066

PHS

AN ORDINANCE to establish funding for the Opportunity Knocks Grant, amending and reordaining certain sections of the 2003-2004 Grant Fund Appropriations and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2003-2004 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Appropriations		
Regular Employee Salaries	035-630-5350-1002	\$ 9,800
FICA	035-630-5350-1120	943
Temporary Employee Wages	035-630-5350-1004	18,500
Fees For Professional Services	035-630-5350-2010	5,457
Program Activities	035-630-5350-2066	7,800
Revenues		
Opportunity Knocks Grant	035-630-5350-5350	42,500

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

MC

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the acceptance of a grant from the Virginia Department of Social Services to be used to operate the Opportunity Knocks Program until June 30,

2004; and authorizing the execution of the necessary documents.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. The City of Roanoke hereby accepts the grant from the Virginia Department of

Social Services, in the amount of \$42,500.00, to be used to operate the Opportunity Knocks

Program until June 30, 2004, to provide employment and training services to assist

disadvantaged individuals in obtaining full time employment with the potential of higher

paying wages and fringe benefits, and as more particularly set forth in the April 19, 2004,

letter of the City Manager to this Council.

2. The City Manager is hereby authorized to execute any and all requisite

documents, upon form approved by the City Attorney, and to furnish such additional

information as may be required in connection with the City's acceptance of this grant.

ATTEST:



### **CITY OF ROANOKE**OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

April 19, 2004

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable William D. Bestpitch, Council Member Honorable Beverly T. Fitzpatrick, Council Member Honorable Dr. M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject:

Accepting Antique Fire

Truck Donation

#### **Background:**

The Fire Brigade of the Kazim Temple, A.A.O.N.M.S. wishes to donate a 1941 American LaFrance antique fire truck, ID#BG169, to the Roanoke Fire-EMS Department. This is a very rare piece of fire apparatus which would be used in parades, placed on display and for educational purposes.

#### Considerations:

City of Roanoke fleet management personnel have inspected the fire truck and consider it to be in good condition with low maintenance needs. If accepted, the unit would be housed in a Fire-EMS station for safe keeping, maintenance and static display.

The value of the fire truck exceeds \$5,000 which requires City Council's approval to accept as a donation.

The Honorable Mayor and Members of Council April 19, 2004 Page 2

#### Recommended Action:

Authorize the City Manager to accept the antique American LaFrance fire truck, ID#BG169.

Respectfully submitted,

Darlene L. Burcham City Manager

#### DLB:jsf

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
George C. Snead, Assistant City Manager for Operations
James Grigsby, Fire-EMS Chief

#CM04-00068



#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION accepting the donation of a 1941 American LaFrance Antique fire truck for use by the City of Roanoke's Fire/EMS Department, and expressing appreciation for such donation.

WHEREAS, the Fire Brigade of Kazim Temple, A.A.O.N.M.S., has generously offered to donate a 1941 American LaFrance Antique fire truck for use by the City of Roanoke's Fire/EMS Department;

WHEREAS, this is very rare piece of firefighting apparatus which will be used to promote the City of Roanoke's Fire/EMS Department in parades, and placed on display for educational purposes; and

WHEREAS, it is the recommendation of the City Manager that City Council accept the 1941 American LaFrance Antique fire truck for use by the City's Fire/EMS Department in accordance with the provisions of §2-263, Code of the City of Roanoke (1979), as amended, which provides that gifts valued in excess of \$5,000 be accepted by resolution of City Council.

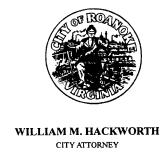
THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. This Council hereby accepts the donation of a 1941 LaFrance Antique fire truck for use by the City of Roanoke's Fire/EMS Department, in accordance with the recommendation contained in the City Manager's letter to City Council dated April 19, 2004.

2. This Council wishes to express its appreciation and that of the citizens of the City of Roanoke to the Kazim Temple, A.A.O.N.M.S. for its generous offer to the City.

3. The City Clerk is directed to transmit a copy of this resolution to the Kazim Temple, A.A.O.N.M.S, 628 Campbell Avenue, SW, Roanoke, Virginia 24016, expressing the City's appreciation for this donation.

ATTEST:



#### CITY OF ROANOKE

OFFICE OF CITY ATTORNEY
464 MUNICIPAL BUILDING
215 CHURCH AVENUE, SW
ROANOKE, VIRGINIA 24011-1595

TELEPHONE: 540-853-2431 FAX: 540-853-1221 EMAIL: cityatty@ci.roanoke.va.us ELIZABETH K. DILLON STEVEN J. TALEVI GARY E. TEGENKAMP DAVID L. COLLINS HEATHER P. FERGUSON ASSISTANT CITY ATTORNEYS

April 19, 2004

The Honorable Mayor and Members of City Council Roanoke, Virginia

Re: Change in residency requirements

Dear Mayor Smith and Members of Council:

With regard to Council's request relating to elimination of the residency requirement pertaining to one member of the Board of Trustees of the City's Pension Plan, I have prepared an ordinance amending the City Code which will effectively eliminate the residency requirement regarding the retired member of the Plan who serves on the Board of Trustees pursuant to §22.2-8(b)(6). This ordinance is attached for your consideration and adoption. Should you have any questions, please do not hesitate to contact me.

With kindest personal regards, I am

Sincerely yours,

William M. Hackworth

William M. Harrison

City Attorney

WMH:f
Attachment

cc:

Darlene L. Burcham, City Manager Jesse A. Hall, Director of Finance Mary F. Parker, City Clerk NNA

#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending subsection (b)(6) of §22.2-8, <u>Board of trustees generally</u>, Article 2, <u>Administration</u>, Chapter 22.2, <u>Pensions and Retirement</u>, of the Code of the City of Roanoke (1979), as amended, in order to eliminate the residency requirement with respect to the retired member of the plan appointed to serve on the Board of Trustees of the City's Pension Plan, as currently set forth in and §22.2-8(b)(6); and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. Subsection (b)(6) of §22.2-8, <u>Board of Trustees generally</u>, Article 2, <u>Administration</u>, Chapter 22.2, <u>Pensions and Retirement</u>, of the Code of the City of Roanoke (1979), as amended, is hereby amended to read and provide as follows:

#### §22.2-8. Board of trustees generally.

\* \* \*

(b) The board shall be appointed by city council and consist of nine (9) trustees as follows:

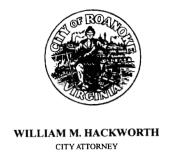
\* \* \*

(6) One trustee who is a resident of the city and a retired member of the city plan, who need not be a resident of the city. Successors shall be appointed for two-year terms.

\* \* \*

3.	Pursuant to §	12 of the	e Roanoke Ci	y Charter,	the	second	reading	by	title
paragraph of	this ordinance is	hereby di	spensed with.						
				ATTE	ST:				
					C	ity Clerk			

 $H: \verb|MEASURES| \verb|o-amresidency requirement pension board. doc$ 



#### CITY OF ROANOKE

OFFICE OF CITY ATTORNEY 464 MUNICIPAL BUILDING 215 CHURCH AVENUE, SW ROANOKE, VIRGINIA 24011-1595

> TELEPHONE: 540-853-2431 FAX: 540-853-1221 EMAIL: cityatty@ci.roanoke.va.us

ELIZABETH K. DILLON STEVEN J. TALEVI GARY E. TEGENKAMP DAVID L. COLLINS HEATHER P. FERGUSON ASSISTANT CITY ATTORNEYS

April 19, 2004

The Honorable Mayor and Members of City Council Roanoke, Virginia

Re: Request to VDOT relating to planting trees along I-581 within the City

Dear Mayor Smith and Members of Council:

At the April 5, 2004, meeting of City Council, the matter of supporting the application filed by Will Webb with the Virginia Department of Transportation (VDOT) to plant white oak seedlings along certain sections of I-581 with in the City of Roanoke was referred to this Office for preparation of a resolution. In accordance with your request, I have prepared a resolution in support Mr. Webb's application to VDOT regarding planting of trees, and it is attached for your consideration and adoption.

With kindest personal regards, I am

Sincerely yours,

William M. Hackworth

() ulmi M. Hadworth

City Attorney

WMH:f Attachment

cc:

Darlene L. Burcham, City Manager Jesse A. Hall, Director of Finance Mary F. Parker, City Clerk HIMW

#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION supporting the application filed by Will Webb with the Virginia Department of Transportation to plant white oak seedlings along certain sections of I-581 within the City of Roanoke.

WHEREAS, the Council of the City of Roanoke is committed to the beautification of the City;

WHEREAS, I-581 is the major corridor by which both residents and visitors alike travel through the City;

WHEREAS, the attractive appearance of our City is an important tool in attracting new businesses and industries to our region; and

WHEREAS, the Council believes that the white oak seedlings planted by Will Webb along the I-581 corridor enhance the aesthetic appearance and beauty of our City.

THEREFORE BE IT RESOLVED by the Council of the City of Roanoke as follows:

- 1. City Council does hereby support the application of Will Webb filed with the Virginia Department of Transportation to allow the white oak seedlings planted by Mr. Webb to remain along the I-581 corridor.
- 2. The City Clerk is directed to transit an attested copy of this resolution to Mr. Richard Caywood, District Administrator, of the Virginia Department of Transportation.

ATTEST:



#### WILLIAM M. HACKWORTH CITY ATTORNEY

#### CITY OF ROANOKE

OFFICE OF CITY ATTORNEY **464 MUNICIPAL BUILDING** 215 CHURCH AVENUE, SW ROANOKE, VIRGINIA 24011-1595

> TELEPHONE: 540-853-2431 FAX: 540-853-1221 EMAIL: cityatty@ci.roanoke.va.us

April 19, 2004

TIMOTHY R. SPENCER STEVEN J. TALEVI GARY E. TEGENKAMP DAVID L. COLLINS **HEATHER P. FERGUSON** ASSISTANT CITY ATTORNEYS

The Honorable Mayor and Members of City Council

> Property for School Purposes adjacent to Oakland Intermediate School Subject:

Dear Mayor Smith and Members of City Council:

In 1948 there was an agreement between G.G. and Ollie P. Fralin and the Roanoke County School Board to exchange two parcels of property in Roanoke County adjacent to what is now the Oakland Intermediate School but the necessary deeds were not recorded. In 1949 the City of Roanoke annexed the area surrounding what is now the Oakland Intermediate School from Roanoke County. The City of Roanoke became vested in the Roanoke County School Board property as a part of that annexation. On July 12, 1982, City Council adopted Ordinance No. 26116, authorizing the City Manager to convey its portion of the land to be conveyed pursuant to the 1948 exchange agreement to the Fralin family, and this was accomplished. However, Council did not at that time accept conveyance of the property to be conveyed by the Fralin family which is currently used as the teachers' parking lot of Oakland Intermediate School. The School Board has utilized the triangular parcel of property that the Fralin family seeks to convey to the City as a parking lot since this area was annexed in 1949, and desires that title to this parcel be obtained.

The Fralin family would like to convey this portion of property to the City of Roanoke so that it may sell the remaining portion of its property to a third party. An ordinance authorizing the acceptance of this property once the deed is recorded is attached for your consideration, along with a copy of the proposed deed.

With kindest personal regards, I am

Sincerely yours,
William M. Hardworth

William M. Hackworth

City Attorney

Darlene L. Burcham, City Manager Mary F. Parker, City Clerk Jesse A. Hall, Director of Finance Dr. E. Wayne Harris, Superintendent THIS QUITCLAIM DEED made and entered into this the \_\_\_\_\_ day of \_\_\_\_\_, 2004, by and between W. HEYWOOD FRALIN and G. WAYNE FRALIN, Co-Executors of the ESTATE OF OLLIE P. FRALIN, Grantor, and CITY OF ROANOKE, a Virginia municipal corporation, Grantee,

#### WITNESSETH:

WHEREAS by Deed recorded in the Clerk's Office of the Circuit Court for the County of Roanoke, Virginia, G. G. Fralin and Ollie P. Fralin, husband and wife, or the survivor, were vested with the hereinafter described property;

WHEREAS, G. G. Fralin and Ollie P. Fralin agreed to exchange with the County of Roanoke School Board certain properties adjoining each other;

WHEREAS, after annexation the City of Roanoke did convey as part of the exchange a small triangular portion of its property to the G. G. Fralin Heirs and Ollie P. Fralin;

WHEREAS, the property to be conveyed to the County of Roanoke School Board was never conveyed to it as originally agreed;

WHEREAS, the hereinafter described property was annexed into the City of Roanoke in 1949 and as a part of such annexation, all properties in which the Roanoke County School Board had an interest within the annexed area became vested in the City of Roanoke;

WHEREAS, G. G. Fralin departed this life on April 13, 1973, thereby vesting fee simple title in Ollie P. Fralin, by reason of survivorship;

WHEREAS, Ollie P. Fralin departed this life on December 12, 1994, and by her will probated on December 16, 1994, in the Clerk's Office for the Circuit Court for the City of Roanoke, Virginia, W. Heywood Fralin and G. Wayne Fralin duly qualified as Co-Executors of her estate; and

WHEREAS, it is the desire of the parties to correct the records and convey the hereinbelow described property to the City of Roanoke thereby curing the sale and exchange of property previously owned by G. G. Fralin and Ollie P. Fralin.

NOW, THEREFORE, FOR AND IN CONSIDERATION of the sum of Ten and 00/100 Dollars (\$10.00) cash in hand paid by the Grantee to the Grantor, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby quitclaim and convey all right, title and interest in and to the hereinbelow described property unto the City of Roanoke, it successors or assigns forever, which property is situated in the City of Roanoke, Commonwealth of Virginia, and described as follows, towit;

ALL that certain lot, parcel and piece of real property, lying and being in the City of Roanoke, Virginia, with improvements thereon and appurtenances thereto, containing 0.183 acres, more or less, the metes and bounds description of which is as follows:

STARTING at a point on the northeasterly side of Williamson Road, said point being the original southwest corner of Lot 1, Block 4, Upson Addition; thence leaving Williamson Road and with the original line of Lot 1, Block 4, Upson Addition, N. 33 deg. 21' E, 68.1 feet to the ACTUAL PLACE OF BEGINNING; thence continuing with the original line of Lot 1, Block 4, Upson Addition, N. 33 deg. 21' E. 211.1 feet to a point corner to Lot 3, Block 4, Upson Addition; thence with original dividing line between Lot 1 and Lot 3, Block 4, Upson Addition, S. 57 deg. 00' E. 75.6 feet to a point; thence with a new dividing line S. 53 deg. 00' W. 224.5 feet to the ACTUAL PLACE OF BEGINNING.

Thus being the northwesterly triangular portion of Lot 1, Block 4, according to the Map of Upson Addition, as more fully shown on a survey prepared by C. B. Malcolm, State Certified Engineer, dated May 14, 1948, and recorded with a Deed in Deed Book 398, at page 11, in the Clerk's Office of the Circuit Court for the County of Roanoke, Virginia.

This Deed is made subject to all easements, restrictions and conditions of record affecting the hereinabove described property.

WITNESS the following signatures and seals:

	THE ESTAT	E OF OLLIE P. FRALIN	
	By:W. Heywo	ood Fralin, Co-Executor	_(SEAL)
	By:G. Wayne	Fralin, Co-Executor	(SEAL)
COMMONWEALTH OF VIRGNIA	A) ) TO WIT: )		
The foregoing instrument wa	as acknowledge	d before me this da	y of
, 2004, by W. Heyw	ood Fralin and	G. Wayne Fralin, Co-Exec	utors of the
Estate of Ollie P. Fralin.			
My commission expires:		Notary Public	



### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE accepting from the Estate of Ollie P. Fralin the conveyance of a certain parcel of property for school purposes containing 0.183 acres, more or less, located on the northeasterly side of Williamson Road adjacent to Oakland Intermediate School and identified as a portion of Tax Map No. 3160127; and dispensing with the second reading by title of this Ordinance.

WHEREAS, there existed an agreement in 1948 between the Roanoke County School Board and G. G. Fralin and Ollie P. Fralin for the parties to exchange two parcels of real property;

WHEREAS, the above described real property exchange was not properly finalized at the time of the attempted exchange;

WHEREAS, the property to be exchanged was annexed into the City of Roanoke in 1949 and as a part of such annexation, all properties owned by the Roanoke County School Board within the annexed area became vested in the City of Roanoke;

WHEREAS, on July 12, 1982, the Council for the City of Roanoke adopted Ordinance No. 26116 authorizing the City Manager to convey that certain parcel of property that constituted the City's parcel to be exchanged, and that property was conveyed, but the City did not at that time accept the parcel that constituted the Fralin family's property to be exchanged as described in the Quitclaim Deed, a copy of which is attached to the City Attorney's report to Council dated April 19, 2004;

WHEREAS, the parcel of real property described in the Quitclaim Deed has been used by the City of Roanoke as a portion of what is now the Oakland Intermediate School since such property

was annexed into the City in 1949; and

WHEREAS, the Fralin family is now desirous of having the real property exchange properly

completed so that the family can sell the remaining portion of their property to a third party.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. Upon the recordation of the Quitclaim Deed, which shall be approved as to form by

the City Attorney, Council accepts the conveyance of a parcel of property containing 0.183 acres,

more or less, for school purposes, located on the northeasterly side of Williamson Road adjacent to

Oakland Intermediate School and identified as a portion of Tax Map No. 3160127, from the Estate of

Ollie P. Fralin, the aforementioned parcel being more fully described in the Quitclaim Deed, subject to

a satisfactory environmental site inspection.

2. Pursuant to the provisions of Section 12 of the City Charter the second reading of

this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



# CITY OF ROANOKE PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166 Roanoke, Virginia 24011 Telephone: (540) 853-1730 Fax: (540) 853-1230 E-mail: planning@ci.roanoke.va.us

Architectural Review Board Board of Zoning Appeals Planning Commission

April 19, 2004

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: 2003 Annual Report

Architectural Review Board

I am pleased to provide Council with the following information on the Board's accomplishments and attendance last year, as well as an overview of our proposed work plan for 2004.

Last year the Board met 12 times to consider 44 request for Certificates of Appropriateness. Of these 44 requests, 37 were approved, five were denied, and one each was either withdrawn or continued. Nineteen items were located in the downtown H-1 District, while 25 were in the residential H-2 District. The variety of projects ranged from vinyl siding to vinyl fences, bike racks to benches, porches to painting, and included lighting, signage, and a historic bell tower restoration. In addition, Board members and staff approved 43 Administrative Certificates of Appropriateness (COA).

Major activities involving the Board for 2003:

- Addressed the issue of synthetic siding on historic buildings.
   Three applicants requested to use vinyl siding and appeared before the Board. Based on the guidelines, their requests were denied. City Council upheld the Board's decision when two of the applicants appealed (one appealed twice).
- Amended the zoning ordinance to require a COA from the Board for the application of synthetic siding.
- Updated the H-2 siding guidelines.

- Held two workshops to address synthetic siding and other Architectural Review Board (ARB) issues. In addition, staff worked diligently to bring property owners into compliance with the provisions of the H-2 district, which occasionally, required bringing non-compliant property owners to General District Court.
- Designation of the City of Roanoke as a Certified Local Government (CLG): Staff, with the support of Council, prepared the application for the Virginia Department of Historic Resources (DHR) and the Department of the Interior. This allows direct access to support functions of the state and federal government, availability of grant money for historic preservation studies, and ARB training.
- Staff attendance at an ARB workshop in Norfolk, Virginia, through DHR with ARBs from across the Commonwealth. This training resulted in the recent creation of a Design Application Review Committee, a subcommittee of the ARB that reviews applications prior to the official Board meeting.

## The Board's current initiatives:

- Participation in the recently received matching grant from DHR to nominate Gainsboro as a federally-recognized historic district.
- Hosting, on May 14, 2004, an all-day ARB training workshop with the DHR for all CLGs in western Virginia.
- Development of a new program that will annually recognize, during National Historic Preservation Week, exemplary projects undertaken in the H-1 and H-2 districts. Presentation of the first selected properties will be made in May.

A roster of meeting attendance, the status of Board members, and a list of Certificates of Appropriateness are attached for your information.

Sincerely

Robert N. Richert, Chairman Architectural Review Board

cc: Darlene L. Burcham, City Manager William M. Hackworth, City Attorney Steven J. Talevi, Assistant City Attorney Mary F. Parker, City Clerk

R. Brian Townsend, Director, Planning Building and Development Anne S. Beckett, Agent, Architectural Review Board

# CITY OF ROANOKE ARCHITECTURAL REVIEW BOARD ANNUAL REPORT 2003

The ARB is a 7-member, Council appointed Board. At least two members, but not more than three, shall be registered architects. Board members should have an interest or competence in, or knowledge of, historic preservation and the history of the city.

## **Board Membership 2003**

Alison Blanton
Architectural Historian, Hill Studio

Don Harwood

Architect, Hill Studio

Robert Manetta

Associate General Counsel, Carilion Health Systems

Matt Prescott (term ended 10/03)

**Builder, Prescott Construction** 

Kyle Ray (resigned 11/03)

Architect, SFCS

Robert Richert

Retired; participant in civic and neighborhood affairs

James Schlueter

Self-employed; knowledgeable in architecture

Jon Stephenson

Architect, HSMM

#### Attendance 2003

Board Member Alison Blanton Don Harwood Robert Manetta Matt Prescott Kyle Ray Robert Richert	Attended 9 of 12 meetings 9 of 12 meetings 9 of 12 meetings 7 of 10 meetings 9 of 11 meetings 11 of 12 meetings
Kyle Ray Robert Richert James Schlueter Jon Stephenson	9 of 11 meetings 11 of 12 meetings 10 of 12 meetings 1 of 2 meetings

# 2003 ARCHITECTURAL REVIEW BOARD CERTIFICATES OF APPROPRIATENESS

CA No.	CA Date	Applicant - Applicant	Location - Continue C	District	Requesit	Action A
03-001	1/9/03	City of Roanoke	Campbell Avenue	H-1	Removal of benches	Approved
03-002	3/13/03	Dr. C. Alan Henry	1017 2 <sup>nd</sup> Street	H-2	Exterior modifications	Approved
03-003	2/13/03	Sherwin Jacobs	309 Market Street	H-1	Signage	Approved
03-004	2/13/03	Mary Hull Swiers	1506 Franklin Road	H-2	Handicap ramp	Approved
03-005	2/13/03	Robert Szathmary	444 Elm Avenue	H-2	Exterior modifications	Approved
03-006	3/13/03	MFW Associates	101Jefferson Street	H-1	Signage	Approved
03-007	3/13/03	John Pecaric	371 Walnut Avenue	H-2	Addition	Approved
03-008	4/10/03	Ten East Church	10 Church Avenue	H-1	Exterior modifications	Approved
03-009	4/10/03	Roland Macher	518 Mountain Avenue	H-2	Lighting	Denied
03-010	5/8/03	Walter and Walter	433 Albemarle Avenue	H-2	Vinyl siding	Denied
03-011	5/8/03	Dana Walker	702 Marshall Avenue	H-2	Vinyl siding	Denied Appealed Referred back to ARB
03-012	5/8/03	10 East Church, LLC	10 Church Avenue	H-1	Signage	Approved
03-013	5/8/03	Faison Roanoke Office	10 Jefferson Street	H-1	Signage	Approved
03-014	5/8/03	Sherwin Jacobs	309 Market Street	H-1	Lighting	Approved
03-015	6/12/03	Robert Szathmary	123 Campbell Avenue	H-1	Lighting	Approved
03-016	6/12/03	Robert Szathmary	123 Campbell Avenue	H-1	Rear wall modifications	Approved
03-017	6/12/03	Bruce and Peggy Todaro	826 Day Avenue	H-2	Fence and gate	Approved
03-018	6/12/03	Ruth Ann Allaire	414 Mountain Avenue	H-2	Front porch modifications	Approved
03-019	6/12/03	Scott Winter	Janette Avenue	H-2	New construction	Concept Approved
03-020	6/12/03	City of Roanoke	200-300 blocks Market Street	H-1	Signage	Approved
03-021	6/12/03	City of Roanoke	Various locations	H-1	Bike racks	Approved
03-022	6/12/03	Physician's Associates	1310 3 <sup>rd</sup> Street	H-2	New roof	Withdrawn
03-023	7/10/03	Dave Fitzgerald	528 Elm Avenue	H-2	Demo and rebuild front porch	Approved
03-024	7/10/03	Tommy Dowdy	1356 Maple Avenue	H-2	Rear porch enclosure	Approved
03-025	7/10/03	William and Gale Sowers	302 Market Street	H-1	Storefront	Concept Only
03-025A	8/14/03				modifications	Approved
03-026	7/10/03	Downtown Roanoke, Inc.	Market Square	H-1	Newsracks	Approved
03-027		NOT USED				
03-028	7/10/03	Tiberius Enterprises	1328 Second Street	H-2	Signage	Approved
03-029	7/10/03	Angell Associates	126 Campbell Avenue	H-1	Signage	Approved

# 2003 ARCHITECTURAL REVIEW BOARD CERTIFICATES OF APPROPRIATENESS

CAIN6	ICA Date	Applicant - Applicant	Location - Location	District	Request	Action
03-030	7/10/03	Walter and Walter	433 Albemarle Avenue	H-2	New porch	Approval
					Re-siding of carriage	
					house	
03-031	7/10/03	H & W Properties	702 Marshall Avenue	H-2	Siding	Denied
03-032	8/14/03	Wertz/Crowder, LLC	213-215 Market Street	H-1	Change paint color	Approved
03-033	8/14/03	348 Allison LC	358 Allison Avenue	H-2	Exterior modifications	Approved
03-034	9/11/03	Carlene Y. Grey Hilton	713-715 Ferdinand Avenue	H-2	Vinyl fence in rear	Approved
					yard	
03-035	9/11/03	Lily McEachern	368 Mountain Avenue	H-2	Addition	Approved
03-036	9/11/03	C. Eugene Swartz	367 Washington Avenue	H-2	Porch columns	Approved
03-037	9/11/03	Gary Lumsden	1229 Franklin Road	H-2	Brick sidewalk	Approved
03-038	9/11/03	City of Roanoke Fire Station 1	13 Church Avenue	H-1	Façade and bell tower	Approved
					restoration	
03-039	10/9/03	HMP Partnership	650/656 Elm	H-2	Addition and signage	Approved
03-040	10/9/03	City of Roanoke Fire Station 1	13 Church Avenue	H-2	Painting of dome	Approved
03-041	10/9/03	Lewis Burger	802/804 Marshall Avenue	H-2	Vinyl siding	Denied
						Appealed
03-042	11/13/03	Dave Fitzgerald	528 Elm Avenue	H-2	New porch roof	Approved
03-043	11/13/03	William and Gale Sowers	302 Market Street	H-1	ATM modifications	Approved
03-044	12/11/03	William and Gale Sowers	302 Market Street	H-1	Exterior modifications	Approved
03-045	12/11/03	City of Roanoke	32 Market Square	H-1	Screening	Continued

# 2003 ADMINISTRATIVE CERTIFICATES OF APPROPRIATENESS

CA No.	CA Date	Applicant To Table 1988	/Location	Request 1985 1985 1985
03-001S	1/6/03	Roy & Tammy Brewster	1407 Clarke Avenue, SW	Construction of storage shed
03-002S	1/6/03	Carl V. Rosen	520 Allison Avenue, SW	Privacy fence
03-003S	1/8/03	John Scott Stephens	350 Albemarle Avenue, SW	Signage
03-004S	1/13/03	SNC Properties	206 Market Square, SE	Sandwich Board
03-005S	1/13/03	Douglas M. Arrington	371 Washington Avenue, SW	Exterior modifications
03-006S	1/16/03	City of Roanoke	Campbell Avenue, SE	Removal of park benches
03-007S	1/23/03	Carl V. Rosen	520 Allison Avenue, SW	Rear deck
03-008S	3/28/03	Sign Design	109 Highland Avenue, SW	Signage
03-009S	4/4/03	Narendra C. Shah	1026 1 <sup>st</sup> Street, SW	Side porch enclosure
03-010S	4/15/03	GWILCO, LLC	1369 Clarke Avenue, SW	Rear deck
03-011S	4/23/03	Terry Vandelinde	1502 Franklin Road, SW	Pergola
03-012S	4/24/03	Sean Whitson	604 Elm Avenue, SW	Rear deck
03-013S	4/29/03	Sherwin Jacobs	305 Market Street, SE	Signage
03-014S	4/29/03	James D. Matthews	411 Highland Avenue, SW	Garage door replacement
03-015S	4/29/03	Cecelia Q. Fitzgerald	528 Elm Avenue, SW	Rear deck/window replacement
03-016S	5/6/03	Steven Digger	717 Highland Avenue, SW	Pergola and patio
03-017S	5/7/03	Valley Bridge	508 Day Avenue, SW	Signage
03-018S	5/13/03	DCSJ Properties, LLC	501 King George Avenue, SW	Exterior modifications
03-019S	5/30/03	Rodney Flint	437 Albemarle Avenue, SW	Porch removal and new staircase
03-020S	6/4/03	Harold & Louise Hodges	806 Day Avenue, SW	Rear and side yard fence
03-021S	6/18/03	The Fret Mill	21 Salem Avenue, S E	Sandwich board
03-022S	6/18/03	Wertz's Restaurant	213/15 Market Street, SE	Sandwich board
03-023S	6/18/03	Gallery 108	108 Market Street, SE	Sandwich board
03-025S	6/27/03	David A. McCray	364 Albemarle Avenue, SW	Rear porch enclosure
03-026S	6/27/03	12 Campbell Partnership	12 Campbell Avenue, SE	Signage
03-027S	8/18/03	Seeds of Light	32 Market Square, SE	Sandwich board
03-028S	8/18/03	Rusty Pritchett	346 Allison Avenue, SW	Brick sidewalk/steps
03-029\$	8/18/03	Apostolos Dallas	366 Mountain Avenue, SW	Window replacement
03-030S	9/4/03	Gary L. Lumsden	1220 Franklin Road, SW	Handicap ramp
03-031S	9/22/03	Jamie Stanfill	1314 Maple Avenue, SW	Fence and gate
03-032S	9/29/03	Carilion	1 <sup>st</sup> and Highland, SW	Banners

# 2003 ADMINISTRATIVE CERTIFICATES OF APPROPRIATENESS

CA No.	GA Date	Appolitoantial appearance and a	Location a session was a blood as	Request/was of the day to the second of the
03-033S	9/29/03	Darrell W. Craft	207 Albemarle Avenue, SW	Window replacement
03-034\$	9/29/03	Terry & Ingrid Webb	505 Washington Avenue, SW	Handrails
03-035\$	10/6/03	Carilion	1101 First Street, SW	Signage
03-036S	10/24/03	Don Peterson	214 Market Street, SE	Awning
03-037S	11/17/03	Darcy McGrath	415 Washington Avenue, SW	Window replacement
03-038\$	11/21/03	Western Foundation for	20 Church Avenue, SE	Sandwich board
		the Arts and Sciences		
03-0398	11/25/03	William Lange	638 Marshall Avenue, SW	Replacement siding
03-040S	11/25/03	Keith Getchell	606 Marshall Avenue, SW	Window replacement
03-041S	12/3/03	Sandra Stallings	614 Allison Avenue, SW	Rear deck
03-042S	12/4/03	Larry R. Earl	430 Washington Avenue, SW	New rear door
03-043S	12/23/03	Bridget A. DeCicco	1601 6 <sup>th</sup> Street, SW	Front porch replacement

Alvin L. Nash Robert J. Sparrow Kathy G. Stockburger David B. Trinkle, M.D. E. Wayne Harris, Ed.D., Superintendent Cindy H. Lee, Clerk of the Board

Roanoke

City School Board P.O. Box 13145, Roanoke, Virginia 24031 • 540-853-2381 • Fax: 540-853-2951

April 19, 2004

The Honorable Ralph K. Smith, Mayor and Members of Roanoke City Council Roanoke, VA 24011

Dear Members of Council:

As the result of official School Board action at its meeting on April 6, the Board respectfully requests City Council to approve the following appropriations and transfers:

- \$158,740.00 from the 2003-04 Capital Maintenance and Equipment Replacement Fund to provide for VHF hand-held radios, site-based capital maintenance equipment, and facility alteration requirements.
- \$96,406.00 from the School Food Services Fund Balance to provide for food service equipment.
- \$7,500,000.00 from the Virginia Literary Fund for initial construction costs for the Patrick Henry High School project.
- \$298,977.00 from the Virginia Public School Authority Bonds to reflect actual revenues received for school projects.
- \$225,000.00 for the Patrick Henry High School project. The monies will be transferred from the Capital Improvement Reserve for the modular unit setup and installation at Patrick Henry.
- \$210,000.00 for increased fuel and heating costs. The monies will be transferred from the contingency for State sales tax deficit.

Thank you for your attention to this request.

Sincerely,

Cindy H. Lee, Clerk

re

cc: Mrs. Gloria P. Manns
Dr. E. Wayne Harris
Mr. Richard L. Kelley
Mr. Kenneth F. Mundy

Mrs. Darlene Burcham Mr. William M. Hackworth Mr. Jesse A. Hall Mr. Paul Workman (with accounting details)



# JESSE A. HALL Director of Finance email: jesse\_hall@ci.roanoke.va.us

April 19, 2004

# CITY OF ROANOKE DEPARTMENT OF FINANCE

215 Church Avenue, S.W., Room 461 P.O. Box 1220 Roanoke, Virginia 24006-1220 Telephone: (540) 853-2821 Fax: (540) 853-6142

ANN H. SHAWVER

Deputy Director

email: ann shawver@ci.roanoke.va.us

The Honorable Ralph K. Smith, Mayor
The Honorable C. Nelson Harris, Vice Mayor
The Honorable William D. Bestpitch, Council Member
The Honorable M. Rupert Cutler, Council Member
The Honorable Alfred T. Dowe, Jr., Council Member
The Honorable Beverly T. Fitzpatrick, Jr., Council Member
The Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

We have reviewed the attached request to appropriate funding for the School Board. This request includes appropriation of \$7.5 million for initial construction costs for the Patrick Henry High School project, in anticipation of issuance of debt at some point in the future. City Council authorized issuance of \$38 million of debt, including literary funds loans, for this project on June 16, 2003. This report will also appropriate the following:

- \$158,740 from the 2003-04 Capital Maintenance and Equipment Replacement Fund to provide for VHF hand-held radios, site-based capital maintenance equipment, and facility alteration requirements.
- \$96,406 from the School Food Services Fund Balance to provide for food service equipment.
- \$7,500,000 from the Virginia Literary Loan Fund for initial construction costs for the Patrick Henry High School project.
- \$298,977 from the Virginia Public School Authority Bonds to reflect actual revenues received for school projects.
- \$225,000 for the Patrick Henry High School project. The funds will be transferred from the Capital Improvement Reserve for the modular unit setup and installation at Patrick Henry.
- \$210,000 for increased fuel and heating costs. The funds will be transferred from the contingency for State sales tax deficit.

We recommend that you concur with this report of the School Board and adopt the attached budget ordinance to appropriate funding as outlined above.

Sincerely,

Jesse A. Hall Director of Finance

Jan A. Hall

Attachment

JAH/ctg

c: Darlene L. Burcham, City Manager
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
E. Wayne Harris, Superintendent of City Schools



## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding for equipment from the Capital Maintenance and Equipment Replacement Program (CMERP) and from the School Food Service fund balance, amending and reordaining certain sections of the 2003-2004 School, School Capital Projects and School Food Service Funds Appropriations and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2003-2004 School, School Capital Projects and School Food Service Funds Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

_			
Sc	hoo	ΙFι	ınd

Appropriations		
Additional - Machinery & Equipment	030-065-6006-6319-0821	\$ 27,740
Additional - Machinery & Equipment	030-065-6006-6681-0821	43,667
Additional - Other Capital Outlays	030-065-6006-6896-0829	87,333
Matching Funds	030-065-6001-6666-0588	(210,000)
Vehicle and Equipment Fuel	030-065-6003-6676-0609	115,000
Heating Services	030-065-6004-6681-0512	95,000
Fund Balance		,
Reserve for CMERP - School	030-3324	(158,740)
School Capital Projects Fund		( , , , , ,
Appropriations		
Buildings	031-065-6066-6896-9006	7,500,000
Appropriation from Literary Loan/ VPSA		
Bonds	031-060-6056-6896-9006	102,821
Appropriation from Literary Loan/ VPSA		
Bonds	031-060-6057-6896-9006	2,476
Appropriation from Literary Loan/ VPSA		•
Bonds	031-065-6064-6896-9006	193,680
Appropriation from General Revenue	031-065-6066-6896-9003	225,000
Appropriation from General Revenue	031-065-6999-6896-9003	(225,000)
Revenues		, , ,
Literary Loan - Patrick Henry	031-065-6066-1368	7,500,000
VPSA Bonds - Fairview Elementary	031-060-6056-1268	115,421
VPSA Bonds - Fishburn Park Elementary	031-060-6057-1269	(10,124)
VPSA Bonds - Lincoln Terrace		, , ,
Renovations	031-065-6064-1291	193,680

## **School Food Service Fund**

Appropriations

Additional - Machinery & Equipment

030-065-6006-6788-0821

96,406

Fund Balance

Unappropriated

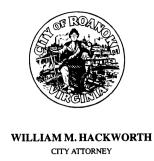
032-3325

(96,406)

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



### CITY OF ROANOKE

OFFICE OF CITY ATTORNEY

464 MUNICIPAL BUILDING
215 CHURCH AVENUE, SW
ROANOKE, VIRGINIA 24011-1595

TELEPHONE: 540-853-2431 FAX: 540-853-1221 EMAIL: cityatty@ci.roanoke.va.us TIMOTHY R. SPENCER STEVEN J. TALEVI GARY E. TEGENKAMP DAVID L. COLLINS HEATHER P. FERGUSON ASSISTANT CITY ATTORNEYS

April 15, 2004

The Honorable Mayor and Members of City Council Roanoke, Virginia

Re: Special Meeting of Council April 29, 2004

Dear Mayor Smith and Members of Council:

With regard to Council's request to set a special meeting for April 29, 2004, for the purpose of holding a public hearing regarding the City Budget for Fiscal Year 2004-2005, the proposed HUD Consolidated Plan for Fiscal Year 2004-2005, and effective increases in the City's proposed real property tax rate, I have prepared the attached Resolution for Council's consideration and adoption. Should you have any questions regarding this matter, please do not hesitate to contact me.

With kindest personal regards, I am

Sincerely yours,

William M. Hackworth City Attorney

William M. Harmorth

WMH/lsc Attachment

c: Darlene L. Burcham, City Manager Jesse A. Hall, Director of Finance Mary F. Parker, City Clerk nk

## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

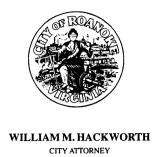
A RESOLUTION establishing the dates and times for a Special Meeting of the Council of the City of Roanoke.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

- 1. A Special Meeting of City Council shall be held on April 29, 2004, commencing at 7:00 p.m., in the Council Chambers, 4<sup>th</sup> Floor of the Noel C. Taylor Municipal Building, at 215 Church Avenue, S. W., Roanoke, Virginia, for the purpose of holding public hearings as to the recommended City Budget for Fiscal Year 2004-2005, the proposed HUD Consolidated Plan for Fiscal Year 2004-2005, and effective increases in the City's proposed real property tax rate.
- 2. The City Clerk is hereby directed to take whatever steps are deemed necessary to notify the public of the time and place of such Special Meeting.

### ATTEST:

City Clerk.



## CITY OF ROANOKE

OFFICE OF CITY ATTORNEY
464 MUNICIPAL BUILDING
215 CHURCH AVENUE, SW
ROANOKE, VIRGINIA 24011-1595

TELEPHONE: 540-853-2431 FAX: 540-853-1221 EMAIL: cityatty@ci.roanoke.va.us TIMOTHY R. SPENCER STEVEN J. TALEVI GARY E. TEGENKAMP DAVID L. COLLINS HEATHER P. FERGUSON ASSISTANT CITY ATTORNEYS

April 15, 2004

The Honorable Mayor and Members of City Council Roanoke, Virginia

Re: Special Meeting of Council May 13, 2004

Dear Mayor Smith and Members of Council:

I have prepared the attached Resolution for Council's consideration and adoption, as requested to set a special meeting for May 13, 2004, for the purpose of considering the items as outlined in the attached Resolution. Should you have any questions regarding this matter, please do not hesitate to contact me.

With kindest personal regards, I am

Sincerely yours,

William M. Hackworth

William M. Harmouth

City Attorney

WMH/lsc Attachment

c: Darlene L. Burcham, City Manager Jesse A. Hall, Director of Finance Mary F. Parker, City Clerk



#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA.

A RESOLUTION establishing the date and time for a Special Meeting of the Council of the City of Roanoke.

#### BE IT RESOLVED by the Council of the City of Roanoke as follows:

- 1. A Special Meeting of City Council shall be held on May 13, 2004, commencing at 2:00 p.m., in Council Chambers, 4<sup>th</sup> Floor of the Noel C. Taylor Municipal Building, at 215 Church Avenue, S. W., Roanoke, Virginia, for the purpose of:
  - adopting the proposed annual budget for the City of Roanoke for Fiscal Year 2004-2005
  - adopting the annual update to the HUD consolidated plan for Fiscal Year 2004-2005
  - adopting a pay plan ordinance
  - adopting an ordinance establishing annual salaries of Council-appointed officers
  - endorsing an update to the Capital Improvements Program
  - amending the Fiscal Year 2004-2005 Capital Projects Funds Appropriations
  - amending Section 2-178.4, <u>Assessment of Administrative Costs</u>, Code of the City of Roanoke, to conform it with the Code of Virginia
  - adoption of measures amending the City's Fee Compendium to establish or amend fees for certain Emergency Medical Services stand-by services, crossconnection inspections, and law library copy machine maintenance
  - adoption of an ordinance granting a cost-of-living allowance increase for City retirees
  - appointment of two trustees to the Roanoke City School Board
  - repealing a sewer rate increase scheduled to be implemented July 1, 2004.

2. The C	City Clerk is hereby direct	ed to take whatever	steps are deemed r	ecessary to
notify the public of the	ne time and place of such	Special Meeting.		
	A	TTEST:		
		City	Clerk.	



# Architectural Review Board

**Board of Zoning Appeals** Planning Commission

## **CITY OF ROANOKE** PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166 Roanoke, Virginia 24011 Telephone: (540) 853-1730 Fax: (540) 853-1230 E-mail: planning@ci.roanoke.va.us

April 19, 2004

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable William D. Bestpitch, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Beverly T. Fitzpatrick, Jr., Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject:

Request from Echo Sentinel, LLC, to repeal conditions approved under Ordinance No. 35070-100200 and replace with new proffered conditions on property located at 3509 Peters Creek Road, N.W., bearing Official Tax No. 6421133.

## Planning Commission Action:

Planning Commission public hearing was held on Thursday, March 18, 2004. By a vote of 7-0, the Commission recommended that City Council approve the new proffered conditions set forth in the petition dated March 3, 2004.

## Background:

A Petition to Amend Proffers was filed on February 5, 2004. A First Amended Petition was filed on March 5, 2004.

In January, 1989, by Ordinance No. 29414, the subject property was conditionally rezoned from RS-1, Single-Family Residential, to C-1, Office District, subject to a proffered site plan. In October, 2000, by Ordinance No. 35070-100200, the proffer enacted in 1989 as it applied to Tax Map No. 6421133 was repealed and replaced with the following conditions which are presently binding upon the subject property:

(a) That the property will be developed in substantial conformity with the Preliminary Plan for Proposed Professional Office Building, prepared by Lumsden Associates, under date of June 20, 2000, attached hereto as Exhibit 4 and made a part hereof subject to any changes that may be required by the City during development plan review.

(b) That the property will be developed in substantial conformity with the Front Elevation Plan dated June 21, 2000, attached hereto as Exhibit 5 and made part of the Petition subject to such changes that may be required by the City during development plan review.

The petitioner requests that the proffers enacted by Ordinance No. 35070-100200 be repealed and replaced with the following proffered conditions:

- (a) That the property will be developed in substantial conformity with the Schematic Site Plan for Echo Sentinel Group, prepared by ACS DESIGN, under date of March 1, 2004, attached hereto as <a href="Exhibit">Exhibit "3"</a> and made a part hereof subject to any changes that may be required by the City during comprehensive site development plan review;
- (b) That the property will be developed in substantial conformity with the Front Elevation Plan dated January 8, 2004, prepared by Alam Design Group, attached hereto as <a href="Exhibit "4">Exhibit "4"</a> and made a part hereof subject to any changes that may be required by the City during comprehensive building plan review.
- (c) If a freestanding sign is erected on site, it shall be limited to a monument style sign with a maximum height of 10 feet and a maximum signage surface area of 50 square feet. The sign shall have an appearance similar to and use materials like those proposed for the building elevation indicated on Exhibit "4."

#### Considerations:

The subject property is zoned C-1, Office District, subject to a proffered site plan and front elevation building plan, approved in 2000 as an amendment of proffered conditions for construction of a dentist's office. The dentist's office was never built, and the property remains vacant. With the current petition to amend proffers, Echo Sentinel Group, LLC, the owner of the property, proposes to build an office building for its publication, "Thrifty Nickel," as conditioned by new proffers.

The 0.40-acre subject property is located at the southeast corner of the intersection of Peters Creek Road, N.W., and Lewiston Street. The property has 102 feet of frontage on Peters Creek Road and 160 feet on Lewiston Street.

Surrounding zoning and land uses are as follows:

- The tract abutting the subject property to the east, fronting on Peters Creek Road, is zoned C-1, Office District, Conditional. A beauty salon is currently established in that location by special exception.
- The abutting property to the south on Lewiston Street is zoned RS-1, Residential Single-Family District, and contains a single-family residential structure.
- The adjacent property to the west, on the opposite side of Lewiston Street, is zoned C-1, Office District, and contains an office use oriented to Lewiston.
- The tract on the north side of Peters Creek Road, directly opposite the subject property, is located within the jurisdiction of Roanoke County and is the site of Melrose Baptist Church.

The petitioner requests that a new site plan and front building elevation be substituted for the existing plans binding on the subject property as enacted in 2000. The newly proffered site plan delineates and notes the following:

- A building with a footprint of 2,500 square feet, oriented to Lewiston Street and sited with its front corner situated 33 feet from the right-ofway of Peters Creek Road (minimum front yard on Peters Creek Road is 30 feet; secondary front yard requirement on Lewiston is 15 feet);
- A thirty foot (30-foot) curb cut on Lewiston Street;
- Eighteen (18) off-street parking spaces, three (3) of which are in a covered parking area, plus two (2) handicap accessible spaces;
- Street trees, as required by Code; and
- A ten-feet (10-feet) wide evergreen screening buffer along the southern property line adjacent to a residentially-zoned property, as required by Code.

The petitioner further proffers a front elevation that delineates a brick façade, two-story building, with an attached covered parking area. This attached "canopy" has a brick façade and brick columns.

Although the use of the property is not proffered, the zoning designation of the property is C-1, Office District, with a limited list of permitted uses, none of which include retail. Furthermore, the functional use of the site is further defined by the proffered site plan and the front building plan.

The newly proffered site plan is very similar to the site plan binding on the property today in regard to the following:

- Location of the building on the site;
- Orientation of the building to Lewiston Street;

- · Property's point of access on Lewiston Street; and
- The total number of off-street parking spaces.

Differences between the conditions binding on the property today and the proffered conditions of this petition include the following:

- The site plan and front building plan binding on the property today delineate a 2,800-square foot, one-story building, while the current petition proffers a two-story, 5,000-square foot building (with a footprint of 2,500 square feet).
- The front building plan currently binding on the subject property has a siding exterior with limited windows, while this petition proffers a front elevation depicting a brick façade with generous amounts of glass (windows).
- The conditions that apply to the property today include no proffers on signage, while this petition proffers that any freestanding signage erected on the property will be limited to a monument sign, limited in height and sign surface area, and constructed of materials similar to the exterior of the proffered building elevation.

As a part of comprehensive development review, the City Engineer advises that, pursuant to Section 36.1-583(a) of City Code, curb, gutter, and sidewalk improvements will be required along Lewiston Street, leading into the residential area. In addition, comprehensive development plan review will require calculations for storm water runoff anticipated from a ten-year frequency storm and calculations of pre- and post-development and pond routing of storm water runoff, in compliance with City Code. The proffered site plan delineates an on-site storm water management area.

The request to amend proffered conditions is consistent with *Vision* 2001-2020's policies of encouraging commercial development in appropriate areas (p. 59, ED P6) and utilizing more fully the City's commercial sites. Furthermore, development of the site as proffered is consistent with the following policies and design principles set forth in *Vision* 2001-2000:

- "Curb cuts should be minimized..." (p. 92)
  - Access to the property is limited to one curb cut, which is located on Lewiston Street.
- "...discourage excessive surface parking lots." (p. 72, IN P4)
  - Fourteen (14) off-street parking spaces is the minimum required for a 5,000 square foot office building, and the proffered site plan provides for eighteen (18), plus two handicap accessible spaces.

- "Signs should be limited in number and scaled in size to minimize visual clutter." (p. 95, Trees, Signs, and Lighting)
  - o The signage proffer restricts both the height and sign surface area of a freestanding sign to less than that permitted by Code.
- "Building location and design should be considered as important elements of the streetscape..." (p. 95, Buildings)
  - No off-street parking is located between the building and Peters Creek Road.
- "Building height and location should create a feeling of enclosure along a street." (p. 95)
  - The proposed two-story structure provides height and bulk near the minimum depth of the required front yard on Peters Creek Road helping to better define the streetscape.

During the Planning Commission public hearing, Joseph Lohkamp, representing Echo Sentinel Group, and Mr. Dan Early, ACS Design, presented the request. Nancy Snodgrass, City Planner, presented the staff report, recommending approval of the request.

Mr. Michael Ballantyne spoke at the hearing, on behalf of Mr. Robert McNichols, the owner of property at 3333 Peters Creek Road, which is adjacent to the subject property on the opposite side of Lewiston Street. Concerns included storm water management and additional run-off from the paved parking area, screening of the dumpster pad, and the direction of outdoor lighting in the parking lot.

Planning Commission discussion included the following:

- Storm water management issues will be addressed at comprehensive development plan review;
- Since no pole lights are delineated on the proffered site plan, the installation of any such lights would require an amendment of the proffered conditions; and
- Code requires screening of the dumpster, and the location of the dumpster has been moved on the proffered site plan from its original location to which Mr. McNichols had expressed concern.

### Recommendation:

Given the proffered conditions' appropriateness in terms of the scale and density of the development, minimizing access to the site, off-street parking and signage, and developing a two-story building, the Planning Commission recommends approval of the requested amendment of proffers.

Respectfully submitted,

Robert B. Manetta, Chairman

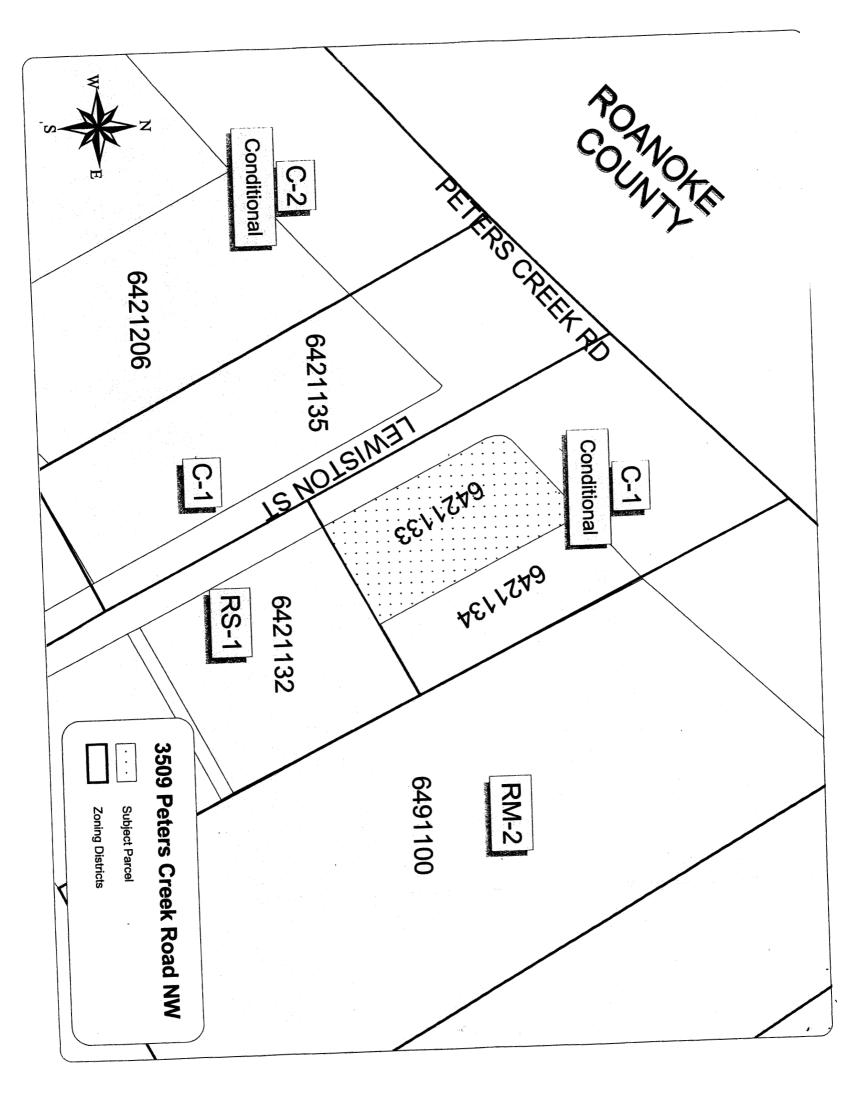
City of Roanoke Planning Commission

cc: Darlene L. Burcham, City Manager

Rolanda Russell, Assistant City Manager for Community Development

William M. Hackworth, City Attorney Steven J. Talevi, Assistant City Attorney

Joseph Lohkamp, Echo Sentinel Group, LLC, Petitioner



# FIRST AMENDMENT TO PETITION TO AMEND PROFFERS

### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

#### IN RE:

Amendment of Proffered Conditions of a tract of land containing 0.40 acres, more or less, lying at the southeast corner of the intersection of Peters Creek Road and Lewiston Street (Tax Map No. 6421133), further identified as 3509 Peters Creek Road, Roanoke, Virginia.

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF ROANOKE:

The Petitioner, ECHO SENTINEL GROUP, LLC, is the owner of land in the City of Roanoke containing 0.40 acres, more or less, situate at the southeast corner of Peters Creek Road and Lewiston Street (Tax Map No. 6421133), further identified as 3509 Peters Creek Road, Roanoke, Virginia, said tract being currently zoned C-1, Office District, Conditional. A map of the property is attached as Exhibit "1".

The certain conditions enacted by Ordinance No. 35070-100200 as set forth by the Council of the City of Roanoke are as follows:

- (a) That the property will be developed in substantial conformity with the Preliminary Plan for Proposed Professional Office Building, prepared by Lumsden Associates, under date of June 20, 2000, attached hereto as <a href="Exhibit 4">Exhibit 4</a> and made a part hereof subject to any changes that may be required by the City during development plan review.
- (b) That the property will be developed in substantial conformity with the Front Elevation Plan dated June 21, 2000, attached hereto as Exhibit 5 and made part of the Petition subject to such changes that may be required by the City during development plan review.

Pursuant to Section 36.1-690, Code of the City of Roanoke (1979), as amended, the Petitioner requests that the aforementioned conditions relating to said property be repealed in their entirety and that new conditions relating to said property be set out for the purpose of construction of a professional office building on the subject property.

The Petitioner believes the requested amendment of proffers for said tract of land will further the intent and purposes of the City's Zoning Ordinance and its comprehensive plan, in that it will enable a parcel of land located at 3509 Peters Creek Road to be used for a professional office building.

Attached as <u>Exhibit "2"</u> are the names, addresses and tax map numbers of the owners or owners of all lots or property directly adjacent to or directly across a street or road from the subject property.

The Petitioner voluntarily submits and agrees to abide by the following new proffers to be included as a part of this amendment of proffered conditions:

- (a) That the property will be developed in substantial conformity with the Schematic Site Plan for Echo Sentinel Group, prepared by ACS DESIGN, under date of March 1,2004, attached hereto as <a href="Exhibit">Exhibit "3"</a> and made a part hereof subject to any changes that may be required by the City during comprehensive site development plan review;
- (b) That the property will be developed in substantial conformity with the Front Elevation Plan dated January 8, 2004, prepared by Alam Design Group, attached hereto as <a href="Exhibit "4" and made a part hereof subject to any changes that may be required by the City during comprehensive building plan review.</a>

(c) If a freestanding sign is erected on site, it shall be limited to a monument style sign with a maximum height of 10 feet and a maximum signage surface area of 50 square feet. The sign shall have an appearance similar to and use materials like those proposed for the building elevation indicated on "Exhibit 4".

WHEREFORE, the Petitioner requests that the above-described proffers be repealed and amended in accordance with the provisions of the Zoning Ordinance of the City of Roanoke.

Wner, Echo Sentinel Group, LLC

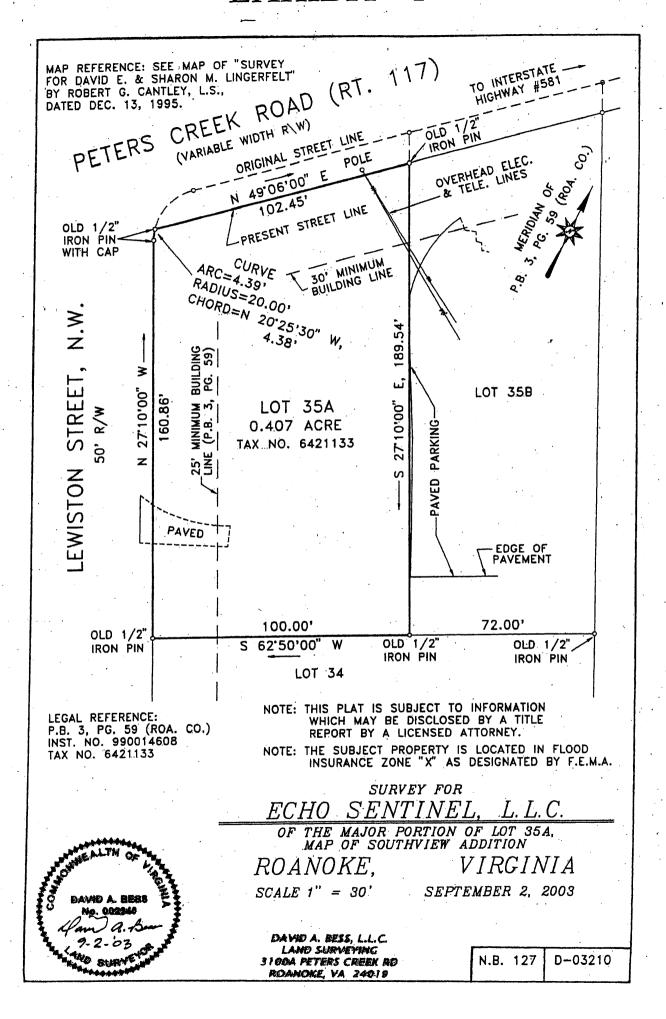
Owner, Echo Sentinel Group, LLC

Echo Sentinel Group, LLC P.O. Box 6319 Roanoke, Virginia 24017

Contact Person: Mr. Joseph Lohkamp

Phone: 540 265 9191

# EXHIBIT "1"

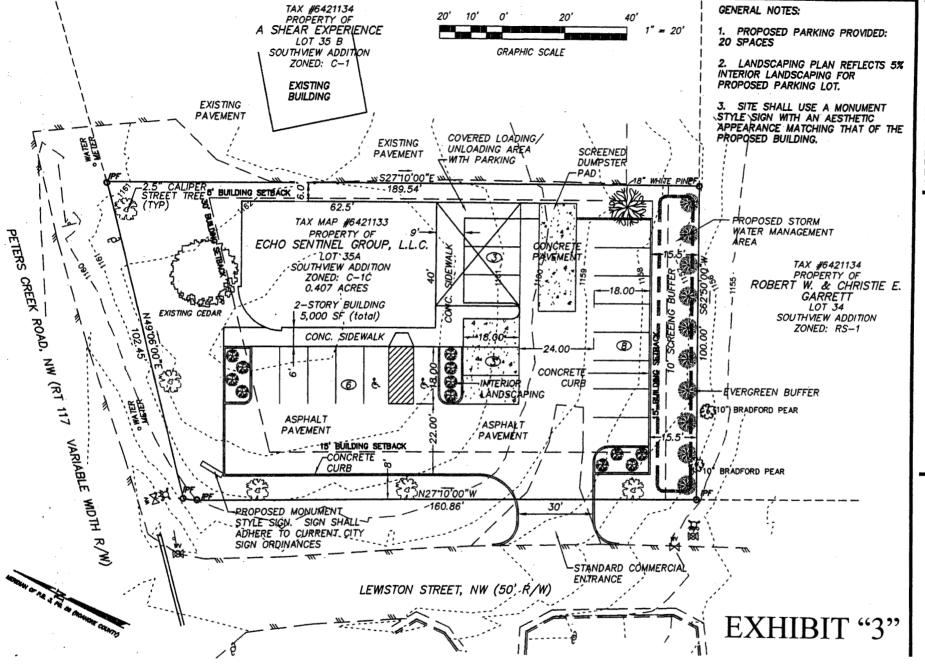


# EXHIBIT "2"



# Adjoining Property Information

Name of Adjoiner	Tax Map Number	Address			
Properties located in City of Roanoke, Virginia					
Robert W. & Christie Garrett	#6421132	4561 Lewiston St, NW Roanoke, Virginia 24017			
A Shear Experience	#6421134	3515 Peters Creek Rd., NW Roanoke, Virginia 24019			
PWC, LLC	#6421135	3333 Peters Creek Road, NW Roanoke, Virginia 24019			
Prope	rties located in Roanoke County,	Virginia			
Melrose Baptist Church	#37.10-1-22	3520 Peters Creek Road, NW Roanoke, Virginia 24019			



# ACS DESIGN Design-Engineering-Planning Construction Monogement

2203 Peters Creek Road, NW Roanoke, Virginia 24017 Phone: 540 562 2345 Fax: 540 562 2344 Email: Info@acsdesignilic.com www.acsdesignilic.com

# SCHEMATIC SITE PLAN ECHO SENTINEL GROUP, LLC CITY OF ROANOKE, VIRGINIA

DRAWN 8Y: M.L.L

DESIGNED BY: M.L.L

CHECKED BY:

DATE: Moreh 1, 2004

SCALE: 1\*=20'

REVISIONS

C1.0

SHEET No.

JOB No. 03070



Plannere • Architacte • Construction Managers O. Box 770, Daleville, Virginia 24083, Phone (540) 556 4949, Fax: (540) 992 4

# FRONT ELEVATION

THRIFTY NICKEL - PETERS CREEK BOAD \_\_\_ LB 04

EXHIBIT "4"



#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE to amend §§36.1-3 and 36.1-4, Code of the City of Roanoke (1979), as amended, and Sheet No. 642, Sectional 1976 Zone Map, City of Roanoke, by repealing Ordinance No. 35070-100200, placing certain conditions on Official Tax No. 6421133, and replacing such conditions with new conditions on the subject property which is conditionally zoned C-1, Office District, and dispensing with the second reading by title of this ordinance.

WHEREAS, Echo Sentinel Group, LLC filed an application to the Council of the City of Roanoke to repeal and replace certain conditions presently binding upon a tract of land containing 0.40-acres, more or less, lying at the southeast corner of the intersection of Peters Creek Road and Lewiston Street, located at 3509 Peters Creek Road, N.W., and designated as Official Tax No. 6421133, which property was previously conditionally rezoned by the adoption of Ordinance No. 29414, adopted January 17, 1989, and Ordinance No. 35070, adopted October 2, 2000, with new conditions;

WHEREAS, the City Planning Commission, which after giving proper notice to all concerned as required by §36.1-693, Code of the City of Roanoke (1979), as amended, and after conducting a public hearing on the matter, has made its recommendation to Council;

WHEREAS, a public hearing was held by City Council on such application at its meeting on April 19, 2004, after due and timely notice thereof as required by §36.1-693, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were given an opportunity to be heard, both for and against the proposed amendment; and

WHEREAS, this Council, after considering the aforesaid application, the recommendation

made to the Council by the Planning Commission, the City's Comprehensive Plan, and the matters

presented at the public hearing, is of the opinion that the conditions now binding upon a tract of land

containing 0.40-acres, more or less, lying at the southeast corner of the intersection of Peters Creek

Road and Lewiston Street, located at 3509 Peters Creek Road, N.W., and designated as Official Tax

No. 6421133, should be repealed and replaced as requested.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. Sections 36.1-3 and 36.1-4, Code of the City of Roanoke (1979), as amended, and

Sheet No. 642 of the Sectional 1976 Zone Map, City of Roanoke, be amended by repealing

Ordinance No. 29414, adopted January 17, 1989, in which City Council conditionally rezoned the

subject property and accepted proffers, and Ordinance No. 35070-100200, adopted October 2, 2000,

in which City Council replaced the proffers accepted by Ordinance No. 29414 with new proffers, and

by replacing such proffers with new proffers as set forth in the First Amendment to Petition to

Amend Proffers filed in the City Clerk's Office on March 5, 2004, such new proffers being hereby

accepted, and the property is rezoned subject to them and as set forth in the report of the Planning

Commission dated April 19, 2004.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this

ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



# **CITY OF ROANOKE**OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

April 19, 2004

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Commonwealth Building Lease

## Background:

The United States General Services Administration (GSA) leases the second floor of the Commonwealth Building for use of the Federal Bankruptcy Court and affiliated offices. The lease agreement expired January 31, 2004. However, the original agreement provides the GSA an option to continue the agreement on a month-to-month basis (not to exceed 90 days), if the GSA retains possession of the premises beyond the expiration date. The GSA is currently exercising this option and is interested in continuing the lease of the second floor, as well as initiating a lease of an additional office suite on the first floor.

#### Considerations:

Currently, the GSA leases 12,413 square feet on the second floor of the Commonwealth Building. The current lease rate is \$6.50 per square foot plus \$4.07 per square foot for operating costs. The agreement requires an annual increase of the operating costs based on Consumer Price Index 1982 – 1984 = 100. Current total annual rent is \$131,290.08. The GSA has agreed to lease an additional office suite on the first floor upon completed renovations designed to meet the needs of the Bankruptcy Court. The current construction schedule for the additional space lists an anticipated completion date around the end of August.

Mayor Smith and Members of Council April 19, 2004 Page 2

The GSA is prepared to execute an agreement with the City for the additional space when construction is completed. The current lease agreement must be extended until the new space is ready for occupancy. Upon completion of the new space, a new agreement will be required to include all leasable space.

### Recommended Action:

Authorize the City Manager to offer and execute an extension of the existing lease between the City of Roanoke and the GSA, through October 31, 2004, to allow appropriate time for renovation of the first floor office suite and the completion of the new lease agreement. All documents shall be on form approved by the City Attorney.

Respectfully submitted,

Darlene L. Burcham City Manager

DLB:slm

Mary F. Parker, City Clerk
 William M. Hackworth, City Attorney
 Jesse A. Hall, Director of Finance
 Sherman M. Stovall, Acting Director of Management and Budget
 Gareth McAllister, Facilities Manager
 Charles M. Anderson, Architect II
 Dana Long, Manager of Billings and Collections
 Scott L. Motley, Economic Development Specialist

CM04-00064



## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the extension of an existing lease between the City of Roanoke and the General Services Administration of the United States of America for the lease of certain space in the Commonwealth Building, located at 210 Church Avenue, S.W., for a period ending October 31, 2004; authorizing the City Manager to execute the requisite lease extension agreement; and dispensing with the second reading by title of this ordinance.

WHEREAS, by Ordinance No. 27529, dated May 6, 1985, City Council authorized the appropriate City officials to enter into a lease agreement, dated July 15, 1985, between the United States of America, through the General Services Administration, for space in the Commonwealth Building; and

WHEREAS, the General Services Administration of the United States of America is interested in extending the current lease of this space, which was due to expire January 31, 2004, but was extended on a month-to-month basis for ninety days, upon the same terms as the current lease.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. The City Manager and City Clerk are hereby authorized to execute and attest, respectively, on behalf of the City, in form approved by the City Attorney, a lease extension agreement for lease of certain space within a City-owned property known as the Commonwealth Building, upon the same terms as the current lease, such lease extension to expire October 31, 2004, at \$6.50 per square foot plus \$4.07 per square foot per month for

operating costs with an initial annual rent amount of \$131,290.08, as more particularly stated in the City Manager's letter to City Council dated April 19, 2004.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:



## **CITY OF ROANOKE** OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

April 19, 2004

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable William D. Bestpitch, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Beverly T. Fitzpatrick, Jr., Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Conveyance of a Portion of City-Owned Property (Tax No. 4060502) adjacent to Roanoke Memorial

Hospital

The City of Roanoke currently owns property located adjacent to Roanoke Memorial Hospital. Carilion Medical Center is proceeding with expansion of this hospital and has need for a portion of this property which jogs into the Carilion site. Carilion Medical Center has agreed to purchase the property from the City at its appraised value.

A plat has been prepared subdividing City-owned parcel #4060502. The 0.427 acre "Parcel B", and the 0.026 acre "Parcel D", are shown on Attachment #1 as the area to be conveyed to Carilion Medical Center. An appraisal was prepared by Miller, Long & Associates, Inc. on February 24, 2004 for Parcel B. The fee simple market value was determined by this appraisal to be \$95,000, or \$5.11/square foot. Parcel D has been added since the appraisal, but is of a similar location and nature. Extending the same sq/ft price to Parcel D, would bring the appraisal for both parcels to \$100,780.

The City's Water Division is starting a new construction project (Mill Mountain Water Project), on another portion of this property, and requests the proceeds from this sale be made available for this work.

## Recommended Action(s):

Authorize the sale of this property to Carilion Medical Center for \$100,780 by special warranty deed, such deed to be approved as to form by the City Attorney. Adopt a revenue Honorable Mayor and Members of Council April 19, 2004 Page 2

estimate of \$100,780 for the sale of the above referenced property to Carilion Medical Center. Appropriate funding of the same amount to an account to be established by the Director of Finance in the Water Fund entitled "Mill Mountain Water Project".

Respectfully submitted,

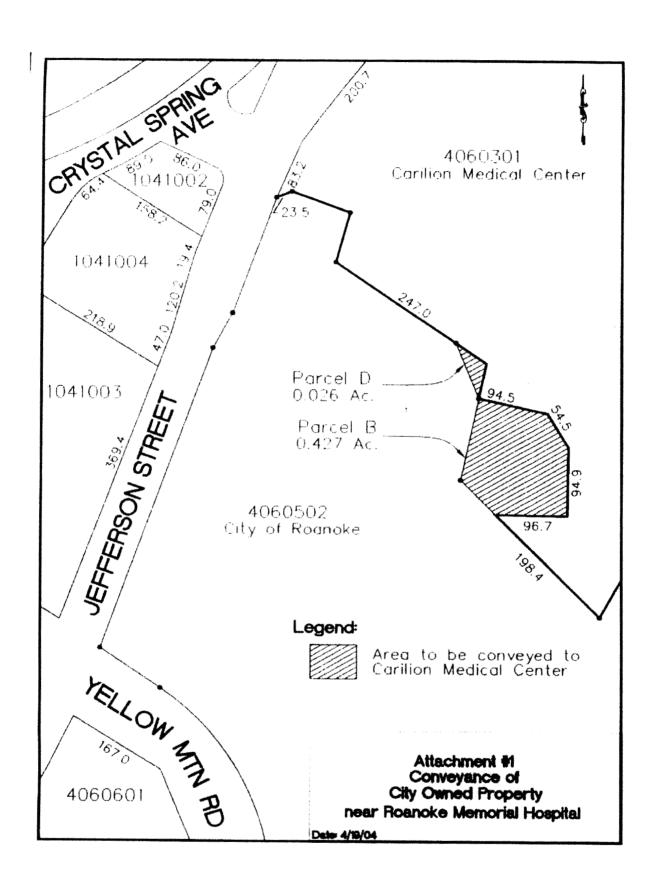
Darlene L. Burcham City Manager

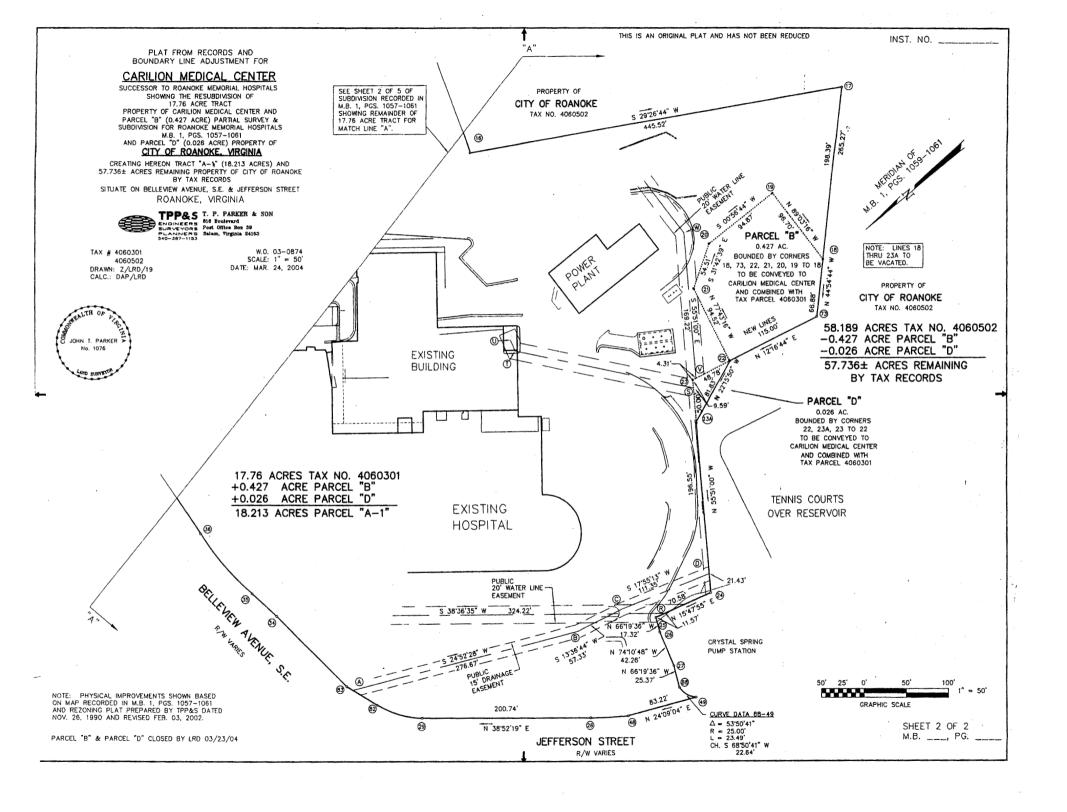
**DLB/JGR** 

### **Attachments**

c: William M. Hackworth, City Attorney Mary F. Parker, City Clerk Jesse A. Hall, Director of Finance J. Greg Reed, Utility Engineer

CM04-00056







## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the City Manager to execute the necessary documents providing for the conveyance of a .0427 acre parcel and a 0.026 acre parcel of City-owned property known as Parcel B and Parcel D, respectively, being portions of Official Tax No. 4060502, located adjacent to Roanoke Memorial Hospital, to Carilion Medical Center, as shown on plat from records and boundary line adjustment for Carilion Medical Center showing the resubdivision of Official Tax No. 4060502, containing 58.189 acres and dated March 24, 2004, upon certain terms and conditions, and contingent upon approval of the City's subdivision plat; and dispensing with the second reading of this ordinance.

WHEREAS, a public hearing was held on April 19, 2004, pursuant to §§15.2-1800(B) and 15.2-1813, Code of Virginia (1950), as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on said conveyance.

BE IT ORDAINED by the Council of the City of Roanoke that:

1. The City Manager and the City Clerk are hereby authorized, for and on behalf of the City, to execute and attest, respectively, the necessary documents providing for the conveyance to Carilion Medical Center of a .0427 acre parcel and a 0.026 acre parcel of Cityowned property known as Parcel B and Parcel D, respectively, being portions of Official Tax No. 4060502, located adjacent to Roanoke Memorial Hospital, as shown on plat from records and boundary line adjustment for Carilion Medical Center showing the resubdivision of Official Tax No. 4060502, containing 58.189 acres and dated March 24, 2004, for the consideration of

\$100,780.00, upon the terms and conditions set forth in the City Manager's letter to this Council dated April 19, 2004.

- 2. This conveyance is contingent upon approval of the City's subdivision plat.
- 3. All documents necessary for this conveyance shall be in form approved by the City Attorney.
- 4. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:



# **CITY OF ROANOKE**OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

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Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable William D. Bestpitch, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Beverly T. Fitzpatrick, Jr., Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request of Roanoke Gas Company for Easement on City-owned Property – Jackson Park – TM# 4130501

By Ord. No. 36532-102303, City Council approved a request of Roanoke Gas Company for a ten-foot by ten-foot easement on City-owned property located in Jackson Park, SE, in order to relocate an eight-foot high relief valve from the northern side of Morningside Street. The contractor installing the valve failed to locate it within the specified easement area. Roanoke Gas Company is requesting that the easement area be revised to accommodate the actual location of the valve, which is approximately 53' from the property line adjacent to Langhorn Street, instead of 27'11" as shown on their original request. See Attachment #1.

## Recommended Action(s):

Following a public hearing, authorize the City Manager to execute the appropriate document granting the easement as described above to Roanoke Gas Company, such document to be approved as to form by the City Attorney.

Respectfully submitted.

Darlene L. Burcham

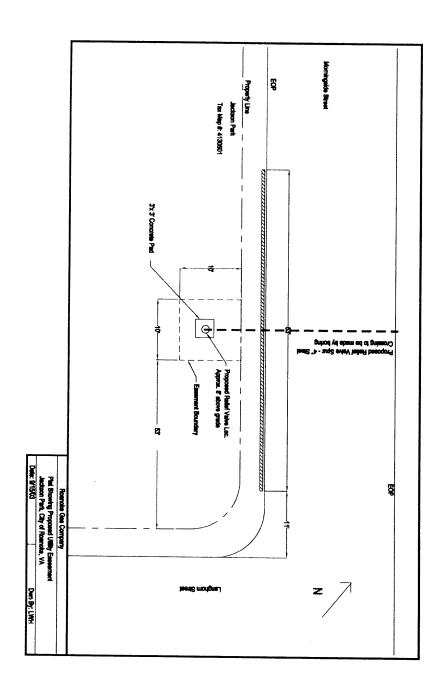
City Manager

## DLB/SEF

## Attachment

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Gary S. Hegner, Superintendent of Parks & Grounds
Sarah E. Fitton, Engineering Coordinator

#CM04-0058



A.5.

THE

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the donation and conveyance of a ten-foot by ten-foot

easement on City-owned property known as Jackson Park, identified by Official Tax No. 4130501, to

Roanoke Gas Company, to relocate an eight foot high relief valve from the northern side of

Morningside Street to fifty-three feet from the property line adjacent to Langhorn Street, upon certain

terms and conditions; and dispensing with the second reading by title of this ordinance.

WHEREAS, a public hearing was held on April 19, 2004, pursuant to §§15.2-1800(B) and

1813, Code of Virginia (1950), as amended, at which hearing all parties in interest and citizens were

afforded an opportunity to be heard on such conveyance.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. The City Manager and City Clerk are hereby authorized to execute and attest,

respectively, in form approved by the City Attorney, the necessary documents donating and

conveying a ten-foot by ten-foot easement on City-owned property known as Jackson Park, identified

as Official Tax No. 4130501, to Roanoke Gas Company for the relocation of a eight foot high relief

valve from the northern side of Morningside Street to fifty-three feet from the property line adjacent

to Langhorn Street, upon certain terms and conditions, as more particularly set forth in the April 19,

2004, letter of the City Manager to this Council.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this

ordinance by title is hereby dispensed with.

ATTEST:



# **CITY OF ROANOKE**OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

April 19, 2004

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable William D. Bestpitch, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Beverly T. Fitzpatrick, Jr., Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request of Cox Communications, Inc.

for Easement on Cityowned Property at Franklin

Road S.E.

Cox Communications, Inc. (Cox) has requested a perpetual five foot wide by 130 foot long easement to locate telecommunications facilities on City-owned property, identified by tax number 4016004. See Attachment #1. This easement will permit the installation of fiber optic cables, fixtures and appurtenances necessary to provide telecommunications services to the building located at 111 Franklin Road, S.E. If the facilities located within the easement are ever removed, the easement shall become null and void. Cox has agreed to pay \$1,850 for the easement. See Attachment #2 for sketch.

### Recommended Action(s):

Following a public hearing, authorize the City Manager to execute the appropriate documents granting a five foot wide by 130 foot long easement as described above to Cox Communications, Inc., approved as to form by the City Attorney.

Respectfully submitted,

Darlene L. Burcham

City Manager

## DLB/SEF

## Attachment

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Beth Neu, Economic Development Director
Sarah E. Fitton, Engineering Coordinator

#CM04-00059

DRAFT Attachment #1

THIS AGREEMENT, made this \_\_\_\_ day of \_\_\_\_\_, 2004, by and between the CITY OF ROANOKE, a municipal corporation existing under the laws of the Commonwealth of Virginia, herein called "GRANTOR," and COX COMMUNICATIONS, INC., a Delaware corporation, herein called "Grantee".

#### WITNESSETH:

THAT FOR AND IN CONSIDERATION of the sum of \$1,850.00, the receipt of which is hereby acknowledged, the GRANTOR does hereby grant to GRANTEE, its affiliates, subsidiaries, successors and assigns, a perpetual five (5) foot easement to construct, place, operate, inspect, maintain, repair, replace and remove telecommunications facilities as Grantee may from time to time require, consisting of conduits, fiber optic cables, strands, wires, coaxial cables, communication cables, communication equipment, hardware, pads, markers, pedestals, junction boxes, fixtures, appurtenances and any other items desired by Grantee (collectively "Facilities"), on the properties of the City of Roanoke, Virginia, further identified as Roanoke City Tax Parcel numbered 4016004.

**BEING** a permanent right of way and easement, in, under, across, over and upon that area located within said lands for the purpose of providing service to the building located at 111 Franklin Road, as shown on that certain Cox Communications, Inc. Drawing dated 3-11-04, entitled "Roanoke City Easement & Right of Way", attached hereto and made a part hereof.

**TOGETHER** with the right of ingress and egress to and over said above referred to premises and any of the adjoining lands of the Grantors at any and all times, for the purpose of

exercising and enjoying the rights herein granted, and for doing anything necessary or useful or convenient in connection therewith. The Grantor hereby grants, conveys and warrants to Cox Communications, Inc. a non-exclusive right of way easement for said facilities.

In the event **GRANTEE** should remove all of said Grantee's facilities from the lands of the **GRANTOR**, then all of the rights, title and interest of the party of **GRANTEE** in the right of way and license hereinabove granted, shall revert to the **GRANTOR**, its successors and assigns.

**GRANTEE** agrees to notify the Director of Parks and Recreation in writing 5 days prior to commencement of construction, and to provide and maintain alternate pedestrian and bicycle access to the Mill Mountain Greenway at all times during construction or repairs. Such notification shall be mailed to 210 Reserve Avenue, Roanoke, VA 24016.

**GRANTEE** agrees that all areas of the property disturbed during construction shall be restored to as close to its condition before such disturbance as is reasonably possible.

GRANTEE agrees to indemnify and save harmless the GRANTOR against any and all loss or damage, accidents, or injuries, to persons or property, whether of the GRANTOR or any other person or corporation, arising in any manner from the negligent construction, operations, or maintenance, or failure to properly construct, operate, or maintain said Grantee's facilities.

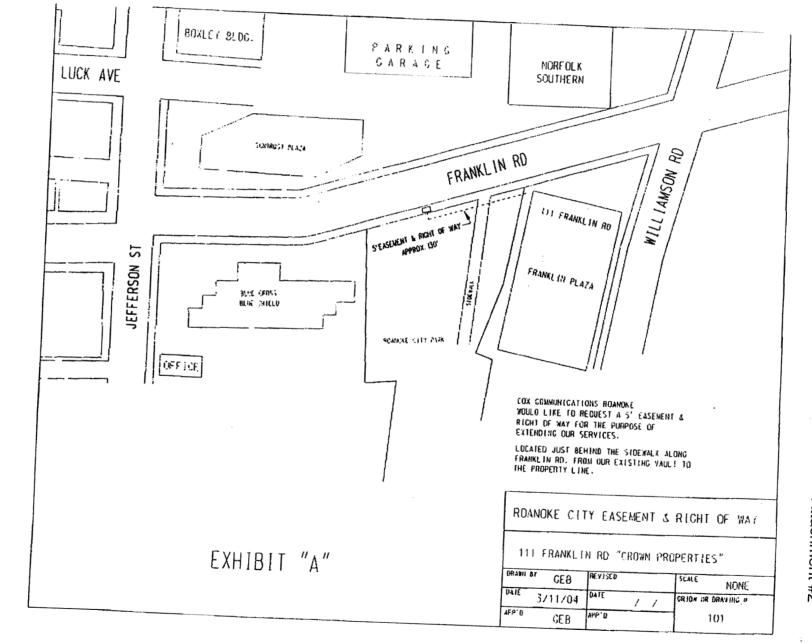
TO HAVE AND TO HOLD the same unto Cox Communications, Inc., its successors and assigns.

Upon recordation of this agreement Grantee accepts the terms and conditions contained herein.

WITNESS the signature of the City of Roanoke by Darlene L. Burcham, its City Manager, and its municipal seal hereto affixed and attested by Mary F. Parker, its City Clerk pursuant to Ordinance No. \_\_\_\_\_\_adopted on \_\_\_\_\_.

## CITY OF ROANOKE

ATTEST:	CITY MA	NAGER
CITY CLERK		
STATE OF VIRGINIA ) ) TO-WIT: CITY OF ROANOKE )		
	, a Notary Publ	
Commonwealth At Large, do certify the	nat	
and	_ City Manager and City Clerk, r	respectively, of the City of
Roanoke, whose names as such are sig	gned to the writing above, bearing	g date the day
of,	2004, have each acknowledged	the same before me in my
jurisdiction aforesaid.		
	day of	, 2004.
My Commission Expires:	Notary Public	





## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the donation and conveyance of a perpetual five foot by one hundred thirty foot easement on City-owned property at Franklin Road, S.E., identified by Official Tax No. 4016004, to Cox Communications, Inc., to install fiber optic cables, fixtures and appurtenances for the purpose of providing telecommunication services to the building located at 111 Franklin Road, S.E., upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

WHEREAS, a public hearing was held on April 19, 2004, pursuant to §§15.2-1800(B) and 1813, Code of Virginia (1950), as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on such conveyance.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. The City Manager and City Clerk are hereby authorized to execute and attest, respectively, in form approved by the City Attorney, the necessary documents donating and conveying a perpetual five foot by one hundred thirty foot easement on City-owned property at Franklin Road, S.E., identified by Official Tax No. 4016004, to Cox Communications, Inc., to install fiber optic cables, fixtures and appurtenances for the purpose of providing telecommunication services to the building located at 111 Franklin Road, S.E., upon certain terms and conditions, as more particularly set forth in the April 19, 2004, letter of the City Manager to this Council.

2.	Pursuant to the provisions of Section 12 of the City Charter, the second reading
of this ordir	ance by title is hereby dispensed with.

ATTEST: